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ABSTRACT

Part II of a series of publications consisting of American Indian tribal governmental documents, this volume includes charters, constitutions, and by-laws of Indian tribes of Wisconsin (Great Lakes Agency). Documents are included relative to the Bad River, Lac Courte Oreilles, Lac du Flambeau, and the Red Cliff bands of Lake Superior Chippewa Indians; the St. Croix band of Chippewa Indians; the Sokaogon Chippewa, Forest County Potawatomi, and Stockbridge Munsee communities; and the Oneida, Menominee, and Winnebago tribes in Wisconsin. (JH)

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CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN TRIBES OF NORTH AMERICA

Part II: The Indian Tribes of Wisconsin (Great Lakes Agency)

compiled/edited by

George E. Fay

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Acknowledgment

The editor is indebted to the following persons for providing, and extending permission to reprint herein, the charters, constitutions and by-laws of the Indian Tribes of Wisconsin (Great Lakes Agency):

E. J. Riley, Superintendent of the Great Lakes Agency, Bureau of Indian Affairs (Ashland):

- Bad River Band of Lake Superior Chippewa Indians
- Red Cliff Band of Lake Superior Chippewa Indians
- Forest County Potawatomi Community
- The Oneida Tribe
- Mole Lake Band of Chippewa Indians (Sokaogon Chippewa Community)
- Stockbridge-Munsee Indian Community.

Joseph Trepania, Chairman of the Tribal Governing Board, and Robert P. St. Arnold, Field Representative of the Bureau of Indian Affairs (Stone Lake); Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

The Tribal Council, and Eugene R. Collinsworth, Field Representative of the Bureau of Indian Affairs (Lac du Flambeau); Lac du Flambeau Band of Lake Superior Chippewa Indians.

Eugene W. Taylor, President of the Tribal Council; St. Croix Band of Lake Superior Chippewa Indians.

Melvin Robertson, former Superintendent of the Reservation; Menominee Indian Tribe.

Mrs. Nadine Sieber, former Secretary of the Tribal Council; Wisconsin Winnebago Tribe.

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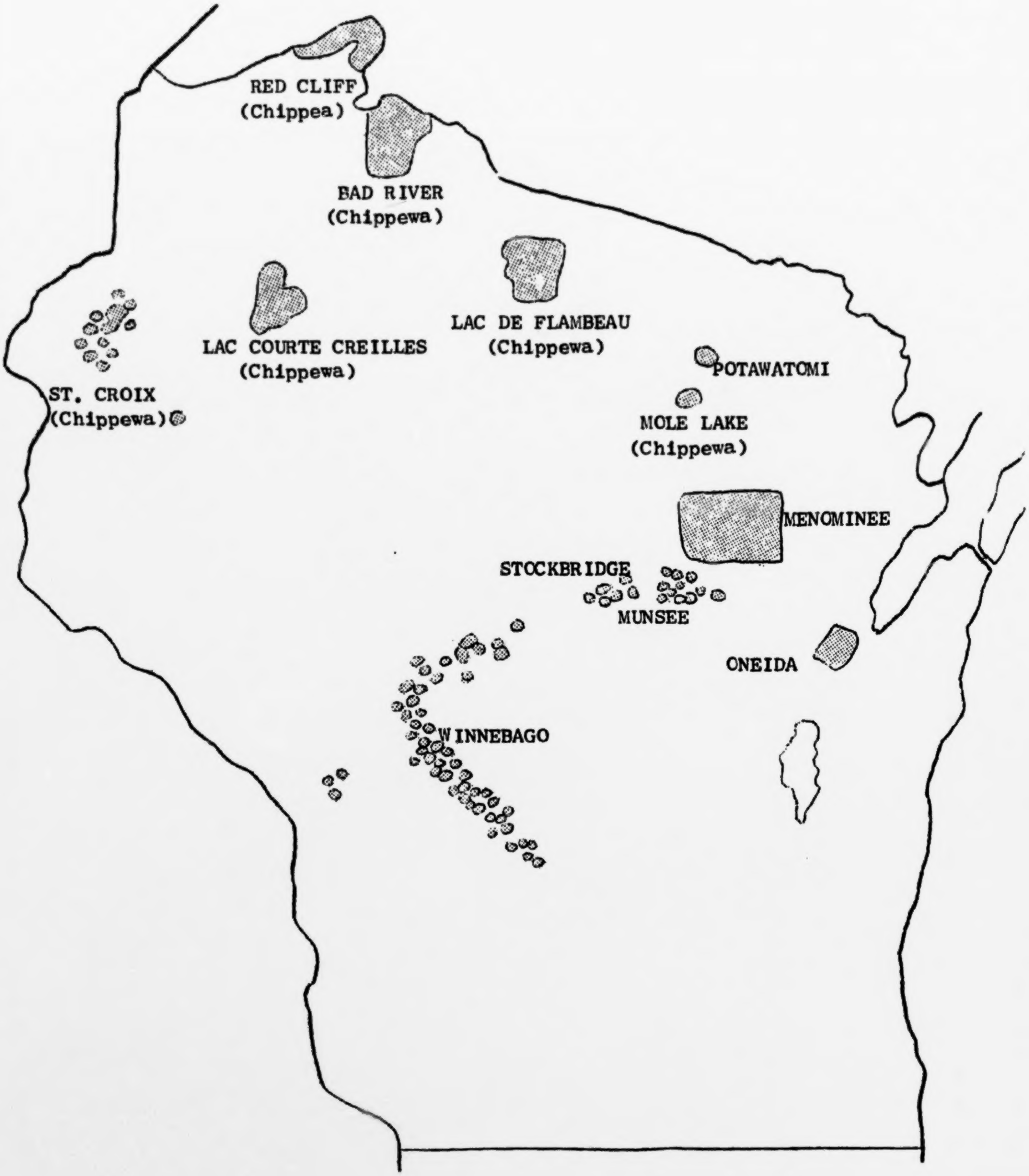
RED CLIFF
(Chippea)
BAD RIVER
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LAC COURTE CREILLES
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LAC DE FLAMBEAU
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ST. CROIX
(Chippewa)
POTAWATOMI
MOLE LAKE
(Chippewa)
MENOMINEE
STOCKBRIDGE
MUNSEE
ONEIDA
WINNEBAGO

LOCATION OF INDIAN SETTLEMENTS IN WISCONSIN

CORPORATE CHARTER OF THE BAD RIVER BAND OF CHIPPEWA INDIANS

OF THE BAD RIVER RESERVATION, WISCONSIN

Ratified May 21, 1938

Whereas, the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation in Wisconsin is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Band on May 23, 1936 and approved by the Secretary of the Interior on June 30, 1936 pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Band have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat.984), do hereby issue and submit this charter of incorporation to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation to be effective from and after such time as it may be ratified by a majority vote in an election in which at least 30 per cent of the adult Indians living on the Reservation shall vote.

1. Corporate Existence. In order to further the economic development of the Bad River Band of Chippewa Indians of the Bad River Reservation in Wisconsin by conferring upon the said Band certain corporate rights, powers, privileges and immunities; to secure for the members of the Band the means of an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Bad River Band of Chippewa Indians."

2. Perpetual Succession. The Bad River Band of Chippewa Indians shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Bad River Band of Chippewa Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Band, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Tribal Council of the Bad River Band of Chippewa Indians established in accordance with the said Constitution and By-laws of the Band, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Band, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Band, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made, except to the United States, of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Band within the boundaries of the Bad River Reservation.

(2) No mortgage may be made by the Band of any standing timber on any land now or hereafter held by the Band within the boundaries of the Bad River Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Band) or timber sale contracts covering any land or interests in land now or hereafter held by the Band within the boundaries of the Bad River Reservation shall be made by the Band for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mining leases may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the tribal timber, or other natural resources of the Bad River Reservation. All leases, permits, and timber sale contracts relating to the use of tribal timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934 with respect to sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(5) No distribution of corporate property to members shall be made except out of net income.

(c) To issue certificates of interest in corporate property in exchange for restricted Indian lands, the forms for such certificates to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Band, or from any other source, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Band: Provided, That the amount of indebtedness to which the Band may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $5,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Band or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Wisconsin, provided that any contracts involving payment of money in excess of $1,000 in any one year by the corporation shall be effective only when approved by the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Band: Provided, That such assignments of tribal income, other than assignments to the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net tribal income from any one source: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 9 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Band for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Band residing on the Reservation shall vote. If at any time after five years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Band actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Bad River Band of Chippewa Indians as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Band shall not be subject to any corpor-

ate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Reserve Fund. Forty percent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not less than 25 per cent of the capital investment in such corporate enterprise. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

9. Corporate Dividends. The Band may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Band in the corporate assets of the Band and may make a dividend distribution among such members of profits of corporate enterprises over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprise, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus without the approval of the Secretary of the Interior. No distribution of the financial assets of the Band shall be made except as provided herein or as authorized by Congress.

10. Corporate Accounts. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

11. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Band residing on the Reservation at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

12. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Bad River Band of Chippewa Indians residing on the Bad River Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the Chairman and Secretary of the Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Bad River Band of Chippewa Indians.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[Seal]

Washington, D. C.,
April 5, 1938.

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on April 5, 1938 by the Assistant Secretary of the Interior to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the State of Wisconsin, was duly submitted for ratification to the adult Indians living on the reservation and was on May 21, 1938 duly adopted by a vote of 105 for, and 80 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

GEORGE P. PARKER,
Chairman of the Tribal Council.

FRANK G. SMART,
Secretary of the Tribal Council.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

***

CONSTITUTION AND BY-LAWS OF THE BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS OF THE STATE OF WISCONSIN

Approved June 20, 1936

PREAMBLE

We, the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the State of Wisconsin in order to organize as a tribe for the common welfare of ourselves and our posterity and to insure domestic tranquility; to conserve and develop our natural resources; to form business and other organizations; to enjoy certain rights of home rule; to provide for our people education in vocational and trade schools and institutions of higher learning; do ordain and establish this Constitution according to the Act of Congress, dated June 18, 1934 (48 Stat. L. 984).

ARTICLE I — TERRITORY

SECTION 1. This Constitution shall apply to the territory embraced in the original boundary lines of the Bad River Reservation defined in the Treaty of September 30, 1854, and to land acquired or reserved within or without said boundary lines by or on behalf of the Bad River Band, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. For the purpose of membership in this Band under this Constitution, the following shall be included:

(a) All persons whose names appear on any official allotment rolls of the Bad River Reservation.

(b) All children born to any member of the Bad River Band who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the acquisition or loss of membership.

SEC. 3. The administration of the foregoing powers, and of all by-laws and ordinances affecting tribal membership, shall be vested in a Membership Committee, to be appointed by the Tribal Council independent of its own members. The acts of such committee shall be subject to review by the Tribal Council and the action of such Council shall be final, except as otherwise hereinafter provided.

SEC. 4. Adoption of a nonmember of the Band shall be made by written application to the Membership Committee who shall make recommendations to the Tribal Council. The decision of the Tribal Council shall be subject to popular vote at the next annual election.

SEC. 5. Property rights shall not be acquired or lost through membership in this organization, except as provided herein.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body under this Constitution and By-laws shall be known as the Tribal Council, composed of seven members to be elected by the people.

SEC. 2. The first election of councilmen under this Constitution and By-laws shall be called and conducted by a provisional election committee appointed by the General Tribal Council under such rules and regulations as that Council may prescribe. Councilmen shall be elected for a term of 2 years.

SEC. 3. The provisional election committee provided for in section two of this article shall issue an election certificate to the councilmen duly elected. Said councilmen, upon receiving such certificates of election, shall meet and organize for business and shall elect from their membership by secret ballot, a chairman, a vice chairman, a secretary, and a treasurer who shall hold office for a term of 2 years or until their successors are elected and qualified.

SEC. 4. The Tribal Council shall establish by resolution the date, place and manner of control of biennial elections.

SEC. 5. The Tribal Council shall have authority to appoint subordinate officers, boards, and committees, and to define their duties.

ARTICLE IV — ELECTIONS

SECTION 1. All members of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, 21 years of age and over, who have maintained continuous residence within the reservation for a period of 6 months immediately prior to the date of election, shall be qualified voters.

SEC. 2. Any person elected to office shall be not less than 25 years of age, a member of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, and a resident of the Bad River Reservation for not less than 1 year preceding the date of election.

ARTICLE V — REMOVAL

SECTION 1. Upon receipt of a petition signed by one-third of the eligible voters calling for the recall of any member of the Council, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters shall vote at such election.

SEC. 2. If a representative or official shall die, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Tribal Council shall declare the position vacant and shall appoint a new member to serve until the next biennial election when a successor shall be elected.

SEC. 3. The Tribal Council may by an affirmative vote of four members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated

Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least 5 days before the meeting at which he is to appear.

ARTICLE VI — POWERS

SECTION 1. Enumerated powers.—The Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached By-laws:

(a) To negotiate with the Federal, State, and local governments on behalf of the Band, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

(b) To employ counsel for the protection and advancement of the rights of the Band and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold or encumbered, or leased for a period exceeding 10 years, except for governmental purposes, except that leases for mining purposes may be made for such longer periods as may be authorized by law.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Band prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the Band in conformity with Article VIII of this Constitution.

(f) To manage all economic affairs and enterprises of the Band in accordance with the terms of the charter which may be issued to the Band by the Secretary of the Interior.

(g) To appropriate for public purposes of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin available Tribal Council funds, and, subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy taxes upon members of the Band and to require the performance of labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation: Provided, however, That any such assessment upon members of the Band shall have the approval of a majority of the voters of the Band at a special election at which at least 30 percent of the eligible voters of the Band shall vote.

(i) To purchase lands of members of the Band for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(j) To safeguard and promote the peace, safety, morals, and general welfare of the Band by regulating conduct of trade and the use and disposition of property upon the reservation: Provided, That any ordinance directly affecting non-members of the Band shall be subject to review by the Secretary of the Interior.

(k) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Bad River Reservation, subject to review by the Secretary of the Interior.

(l) To regulate the manner of making nominations and holding elections for tribal officers.

(m) To adopt resolutions regulating the procedure of the Tribal Council itself and of other tribal agencies and tribal officials.

(n) To encourage and foster the arts, crafts, traditions, culture, wildlife, and natural resources of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.

(o) To charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Bad River Band of the Lake Superior Tribe of Chippewa Indians by ordinance, provided that any such ordinance shall be subject to review by the Secretary of the Interior.

(p) To select delegates to sit in a National Council of the entire Chippewa Nation.

(q) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Bad River Band, and of nonmember Indians residing on the reservation, providing for the maintenance of law and order, and providing for the administration of justice by establishing an Indian Court and defining its duties and powers.

(r) To consolidate inherited land holdings by purchase, exchange, transfer, gift, or voluntary relinquishment, including the power to reassign same in the public interest.

(s) To exclude from the restricted lands of the reservation, persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(t) To regulate hunting and fishing on tribal and restricted lands.

(u) To delegate to subordinate boards, or tribal officials, or to cooperative associations, that are open to all members of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within 10 days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of its enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days of its enactment, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers.—The Tribal Council may exercise such further powers as may in the future be delegated to the Band by the Secretary of the Interior, or by any duly authorized official or agency of the State or Federal Government.

SEC. 4. Reserved powers.—Any rights and powers heretofore vested in the Bad River Band, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin through the adoption of appropriate By-laws and Constitutional Amendements.

ARTICLE VII — REFERENDUM

SECTION 1. The exercise of any enumerated powers lodged in the Tribal Council shall be subject to a referendum vote of the people upon a written petition signed by not less than 25 percent of the total number of voters in the last general election, provided that not less than 30 percent of the eligible voters shall vote in any such referendum, a majority of those voting to decide the issue.

ARTICLE VIII — LAND

SECTION 1. Allotted land, including heirship lands, within the Bad River Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation. It is further recognized that under existing law such lands may be inherited by the heirs of the present owners, whether or not they are members of the Bad River Band of the Lake Superior Tribe of Chippewa Indians. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State tax and may then be mortgaged and sold. The right of the individual Indian to hold or to dispose of his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Bad River Band of the Lake Superior Tribe of Chippewa Indians either in exchange for money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands of the Bad River Band of the Lake Superior Tribe of Chippewa Indians and all lands which may hereafter be acquired by the Bad River Band or by the United States in trust for the Bad River Band shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency, or other administrative use may be assigned by the Tribal Council to members of the Bad River Band of the Lake Superior Tribe of Chippewa Indians or may be leased or otherwise used by the Band as hereinafter provided.

SEC. 4. Tribal lands may be leased by the Tribal Council with the approval of the

Secretary of the Interior in accordance with law. Preference shall be given, first, to cooperative associations of members of the Band, and, secondly, to individual Indians who are members of the Band. No lease of tribal lands to a nonmember shall be made by the Tribal Council unless it shall appear that no cooperative association of members or individual member of the Band is able and willing to use the land and to pay a reasonable fee for such use.

SEC. 5. In any assignment of tribal lands which are now owned by the Band, or which may hereafter be acquired for the Band by the United States or purchased by the Band out of tribal funds, or which may be designated for the use of the Band, preference shall be given, first to heads of families which are entirely landless, and second, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interests in land of equal value, such economic unit to be determined by the Tribal Council by ordinances. Such assignments shall be known as "standard assignments."

No member of the Band who may hereafter have the restrictions upon his land removed, and whose land may thereafter be alienated, except to the Band, shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may, if it sees fit, charge a fee on approval of a standard assignment.

SEC. 6. If any person holding a standard assignment of land shall, for a period of 1 year, fail to use the lands so assigned, or shall use the land for any unlawful purpose, his assignment may be canceled by the Tribal Council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him in writing shall have preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Bad River Band who owns an allotment of land or any share in heirship land or any deeded land, may with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, to the Band and receive therefor an assignment in the same land or other land of equal value or he may receive a proportionate share in a unit of agricultural or other lands.

Assignments made under this section shall be known as "exchange assignments."

SEC. 8. Exchange assignments may be used by the assignee or leased by him to cooperative associations of members of the Band, to individual members of the Band, or if no individual member or cooperative association of members is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 9. Upon the death of a holder of an exchange assignment such lands shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Bad River Band, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management, and no assignment shall be subdivided into units smaller than 2½ acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council may issue to the eligible heirs or devisees interests in tribal lands or property of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for assignment the same as other tribal lands.

SEC. 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Bad River Band. When improvements are not possible of fair division, the Tribal Council shall dispose of them under such regulations as it may provide, for the benefit of such heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the Tribal Council.

SEC. 11. No member of the Bad River Band may use or occupy tribal lands except under an assignment or lease.

SEC. 12. Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit of the members of the entire Band, and any cash income derived from such land shall accrue to the benefit of the Band as a whole. All action of the Tribal Council with respect to such lands shall be in conformity with departmental regulations for protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

SEC. 13. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Bad River Band.

SEC. 14. Applications for assignment of land shall be made in writing. Such applications shall be submitted to the Tribal Council at regular or special sessions. The application shall be placed in the hands of a proper committee who shall call the matter up for action at the next regular meeting of the Tribal Council. Any member of the Band may object in writing to a proposed assignment. In the event of objection, the Chairman of the Tribal Council shall set a date for hearing, advising both the applicant and the objector. The action of the Council shall be final.

The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Tribal Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Band.

The Tribal Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Bad River Band of the Lake Superior Tribe of Chippewa Indians voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least thirty (30) percent of those entitled to vote shall vote in such election;

but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution signed by at least five members of the Tribal Council.

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BY-LAWS OF THE BAD RIVER BAND OF THE LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside at all meetings of the Council. He shall also be the presiding officer at any general council meeting which may be duly called in accordance with these By-laws. He shall at all times have general supervision of the affairs of the Tribal Council and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the Chairman to countersign all checks against funds of the organization by the Treasurer. He shall vote only in case of a tie. The Chairman shall be an ex officio member of all subordinate boards and committees.

SEC. 2. In the absence of the Chairman, the Vice Chairman shall preside at all meetings of the Tribal Council and shall act in his stead in all matters pertaining to the office of Chairman.

SEC. 3. The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the Tribal Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council and the Band. All official records of the Tribal Secretary shall be open to inspection by the members of the Band at all times. The Secretary shall be ex officio member of all subordinate boards and committees.

SEC. 4. The Treasurer shall be the custodian of all funds in possession of the Band from any source. He shall be under bond to a surety company of recognized standing in an amount to be determined by the Tribal Council, such surety company and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the vote of the Tribal Council and in accordance with this Constitution and By-laws. The books of the Treasurer containing the financial status of the Band shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times.

The records of the Treasurer shall be open to inspection by members of the Tribal Council and its officers.

SEC. 5. The subordinate officers, boards, and committees of the Tribal Council shall perform such duties as the Tribal Council shall provide, by resolution, from time to time.

ARTICLE II — OATH

SECTION 1. All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this Constitution [of the Bad River Band]. Such officers may be sworn in by an officer qualified to administer an oath.

ARTICLE III — SALARIES

SECTION 1. Tribal officials shall be paid such salaries from available Tribal funds as the Tribal Council shall decide. All proposals for salaried positions by the Tribal Council shall be referred to the Secretary of the Interior for final decision.

SEC. 2. The members of the Tribal Council, boards, and committees shall be paid for expenses incurred in the interest of the community when previously authorized by the Tribal Council.

ARTICLE IV — MEETINGS

SECTION 1. Regular meetings of the Tribal Council shall be held, on the first Friday of January, April, July, and October, and at such other times as the Tribal Council may be resolution provide. Called meetings shall be held at the discretion of the Chairman or upon request of three members of the Tribal Council. Three days' written notice shall be given to all Council members.

SEC. 2. Five members shall constitute a quorum.

SEC. 3. The Tribal Council shall prescribe such rules of order for its meetings as it desires.

SEC. 4. The meetings of the Tribal Council, except executive sessions, shall be open to the Tribe as auditors.

ARTICLE V — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority of the qualified voters of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 13, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation and was on May 23, 1936, duly adopted by a vote of 169 for and 113 against in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

W. P. BIG BOY,
Chairman of Election Board.

WILLIAM DENOMIE,
Chairman of Tribal Council.

FRED CHISHOLM,
Secretary.

T. C. CAVILL, Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to the Bad River Band of the Lake Superior Tribe of Chippewa Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended June 12, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C. June 20, 1936.

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CONSTITUTION AND BY-LAWS OF THE LAC COURTE OREILLES
BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
OF WISCONSIN

Approved November 2, 1966

PREAMBLE

We, the members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, in order to secure the advantages of local self-government for ourselves and our children and to organize for our common welfare, do hereby establish this Constitution and By-laws.

ARTICLE I — TERRITORY

The territory of this Band shall extend to all tribal land within the Lac Courte Oreilles Reservation in Wisconsin and any other lands that may be acquired by or on behalf of said Band, except as may otherwise be provided by State or Federal law. The Band may exercise such jurisdiction that is not in conflict with applicable Federal or State law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin shall consist of the following persons:

(a) All persons of Lac Courte Oreilles Chippewa Indian blood whose names appear on the official census roll of the Band as of January 1, 1940, provided such persons are citizens of the United States and are not enrolled with another tribe, band or group of Indians. This roll shall be the basic membership roll.

(b) Any lineal descendant of a member born prior to the effective date of this constitution, provided an application for enrollment is filed with the Governing Board within two years of the effective date of this constitution, and provided further, that such person is not enrolled with another tribe, band or group of Indians.

(c) Any person gaining membership after the effective date of this constitution through ordinances enacted under Section 2 of this Article.

SEC. 2. The Governing Board shall enact an ordinance within one year from date of approval of this constitution subject to approval of the Secretary of the Interior stating the criteria of future membership and adoption of new members. Such ordinances shall include the provision that only persons of 1/8 or more Lac Courte Oreilles Indian blood be granted membership.

SEC. 3. Any person who has been rejected for enrollment as a member of the Band shall have the right of appeal to the Secretary of the Interior, whose decision shall be final.

SEC. 4. The Governing Board shall have the power to enact ordinances governing loss of membership, such ordinance subject to the approval of the Secretary of the Interior. The ordinance shall include a provision for appeal of decisions to the Secretary of the Interior.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Band shall be the Governing Board composed of five members.

SEC. 2. Any member of the Band is eligible to be elected to the Governing Board, provided he is 21 years of age or older on the date of the election.

SEC. 3. Following the convening of each new Governing Board elected pursuant to this constitution, the Board shall select from within its membership a Chairman and a Vice-Chairman to serve until a successor Board is duly elected and seated. The Board shall convene no later than fifteen (15) days following each election.

SEC. 4. At the first meeting following an election, the Governing Board shall select from within or without the Board a Secretary-Treasurer to serve for a period to be stated in a resolution passed by the Governing Board. The Chairman and Vice-Chairman of the Board shall be ineligible to serve as Secretary-Treasurer. If a Secretary-Treasurer is selected from without the Board he shall not vote as a member of the Board.

SEC. 5. The Chairman and Vice-Chairman and members of the Board shall remain in office until the new Board members have been elected and seated.

SEC. 6. The Governing Board, by resolution, shall determine its own procedures. The Governing Board, by resolution, may provide for the hiring of clerical or other employees.

SEC. 7. The Governing Board, by affirmative vote of four of its members, shall remove any Board member for any of the following reasons, provided the accused member has been given an opportunity to answer written charges against him.

(a) Failure to carry out his official duties.

(b) Absence from three successive Board meetings without an excuse acceptable to a majority of the members of the Board.

(c) Conviction of any offense involving moral turpitude or conviction of a felony.

SEC. 8. The Governing Board, by an affirmative vote of three members shall fill by appointment any vacancy occurring in the Board membership, provided the term of such appointment shall not extend beyond the next regular election, regardless of the length of the unexpired term.

ARTICLE IV — ELECTIONS

SECTION 1. Qualified voters shall be all members of the Band 21 years of age or over.

SEC. 2. The first election of a Governing Board shall be called, held and supervised by the Superintendent of the Great Lakes Agency and the existing governing body within 60 days of approval of this constitution and by-laws.

SEC. 3. The Governing Board shall prescribe rules and regulations for conducting all subsequent elections. Such rules and regulations shall include, but not be limited to, the following:

(a) Voting shall be by secret ballot.

(b) Beginning in 1967, elections shall be held every two years in the month of June.

(c) Absentee voting.

(d) Filing and posting of election notices.

SEC. 4. The two candidates receiving the greatest number of votes in the first election shall be elected to serve until their successors have been elected and seated following the June 1969, election. The three candidates receiving the next greatest number of votes in the first election shall be elected to serve until their successors have have been elected and seated following the June 1967, election.

Terms of office for other than the first election shall be for four years. A candidate elected to fill an unexpired term of office shall serve only for the duration of the unexpired term.

SEC. 5. The candidates receiving the greatest number of votes shall be elected to fill vacant four-year terms of office.

The candidates receiving the next greatest number of votes shall be elected to fill any vacant unexpired terms of office.

ARTICLE V — POWERS OF THE GOVERNING BOARD

SECTION 1. The Governing Board shall exercise the following powers subject to the limitations imposed by this constitution and by-laws and by applicable Federal and State laws:

(a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(b) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other assets.

(c) To negotiate, make and perform contracts and agreements of every description, not inconsistent with law or with any provision of this constitution, with any person, association, or corporation, with any municipality or any county, or with the State of Wisconsin or the United States, provided that any contract involving payment of money by the Band in excess of $25,000 in any one year shall be subject to the approval of the Secretary of the Interior.

(d) To advise the Secretary of the Interior on all appropriation estimates or Federal projects for the benefit of the Band.

(e) To negotiate with Federal, State and local governments.

(f) As authorized by law and subject to the approval of the Secretary of the Interior, to manage, lease, permit or otherwise deal with tribal lands, interests in lands, or other assets, and to purchase lands or otherwise acquire lands, or interests in lands, within or without the reservation. Tribal lands shall not be sold, except by a petition signed by five (5) members of the Governing Board requesting the Secretary of the Interior to have introduced appropriate authorizing legislation; provided, that upon enactment of authorizing legislation, the sale of lands shall be subject to approval by a majority vote of the qualified voters of the Band voting at a referendum called for that purpose by the Secretary of the Interior.

(g) To adopt ordinances by which tribal lands may be assigned or leased for beneficial use and occupancy of members of the Band.

(h) To engage in any business that will further the social or economic well-being of members of the Band or undertake any programs or projects designed for the economic advancement of the people.

(i) To borrow money from the Federal Government or other lenders for Band use and to make loans to Band members in accordance with regulations of the Secretary of the Interior, this constitution and other applicable laws.

(j) To administer any funds within the control of the Band; to make expenditures from available funds for public purposes, including salaries or other remuneration of Band officials, employees or members. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures by the Governing Board shall be in accord with a previously approved budget, and the amount so paid shall be a matter of public record at all times.

(k) To deposit tribal funds to the credit of the Band in any depository whose deposits are insured by an agency of the United States, or with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior require that funds advanced are to be so deposited.

(l) To organize, charter and regulate any association or group, including a housing authority, for the purpose of providing social or economic benefits to the members of the Band or residents of the reservation.

(m) To delegate to subordinate boards, officers, committees or cooperative associations which are open to all members of the Band any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SEC. 2. Future Powers.—The Governing Board may exercise such further powers as may in the future be delegated by the Secretary of the Interior or by any other duly authorized official or agency of the Government.

SEC. 3. Reserved Powers.—All rights and powers heretofore vested in the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin but not expressly referred to in this constitution shall not be abridged by this Article, but may be exercised by the people of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin through the adoption of appropriate amendments to this constitution and by-laws.

ARTICLE VI — REFERENDUM

Upon receipt of a petition signed by at least 50 qualified voters of the Band or by a majority of the Governing Board any enactment or proposed enactment shall be submitted to a popular referendum, provided such petition is submitted within 60 days from the date of such enactment.

The Governing Board within 30 days of receipt of such petition shall call such referendum and prescribe the manner of conducting the vote. The referendum shall be held not later than 60 days from the date of receipt of the petition. If the Governing Board fails to call and/or hold such referendum within the prescribed time limits, the Superintendent of the Great Lakes Agency may call and/or hold such referendum.

The majority of the votes cast in such referendum shall be conclusive and binding on the Governing Board; provided at least 100 eligible voters participate in the election, and if an enactment is rejected by such vote, such enactment shall be null and void as of the date of the referendum and shall not be reconsidered for a period of at least one year.

ARTICLE VII — RIGHTS OF MEMBERS

Subject to the limitations prescribed by this constitution, all members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin shall have equal political rights and equal opportunities to participate in the economic resources and assets, and no member shall be denied freedom of conscience, speech, religion, association or assembly, nor shall he be denied the right to petition the Governing Board for the redress of grievances against the Band.

ARTICLE VIII — ADOPTION

This constitution and by-laws, when adopted by a majority vote of the qualified voters of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved shall be effective from the date of such approval.

ARTICLE IX — AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the Band voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such election. No amendment shall become effective until approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon request by majority vote of the Lac Courte Oreilles Governing Board or upon petition of at least 75 qualified voters of the Band.

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BY-LAWS OF THE LAC COURTE OREILLES BAND

ARTICLE I — DUTIES OF THE OFFICERS OF THE GOVERNING BOARD

SECTION 1. Chairman.—The Chairman shall preside over general and special meetings of the Band and all meetings of the Governing Board and perform the usual duties of the presiding officer. He shall carry out the orders of the Governing Board. It shall be the duty of the Chairman to countersign all checks drawn against the funds of the Band. The Chairman shall vote only in the event of a tie, and in cases involving removals, except in case of his own removal, and appointments as provided for in Article III, Sections 7 and 8 of the constitution. He shall act for the Board between meetings when so authorized by appropriate resolution.

SEC. 2. Vice-Chairman.—The Vice-Chairman shall assist the Chairman when called upon to do so and, in the absence of the Chairman, the Vice-Chairman shall preside. When so presiding he shall have all the rights, privileges and duties of the Chairman.

SEC. 3. Secretary-Treasurer.—The Secretary-Treasurer shall conduct the correspondence and keep an accurate record of all matters transacted at the Governing Board meetings. He shall keep and maintain the Band membership roll and a current voting list.

He shall receive, receipt for, deposit, disburse and account for all funds handled through the Governing Board. All expenditures by the Governing Board shall be in accord with a previously approved budget. An audit of accounts shall be made once a year and at such other times as the Governing Board or the Secretary of the Interior may require. The Secretary-Treasurer shall be required to give a bond satisfactory to the Governing Board and the Secretary of the Interior.

SEC. 4. Board Members.—It shall be the duty of the Board members to promote the general welfare of the Band and to carry out the provisions and purpose of this constitution and by-laws.

ARTICLE II — ACCOUNTING SYSTEM

SECTION 1. The Governing Board shall cause to be installed, maintained and audited a complete and detailed accounting system.

ARTICLE III — OATH

SECTION 1. Each officer and member of the Governing Board when elected shall be duly installed and shall subscribe to an oath of office to support the Constitution of the United States and the Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin.

ARTICLE IV — MEETINGS

SECTION 1. Time and procedures of regular meetings of the Governing Board shall be stated in ordinance or resolution form. Three members of the Governing Board shall constitute a quorum. All decisions shall be made by a majority vote, except as otherwise provided by this constitution and by-laws.

Special meetings of the Governing Board shall be called by the Chairman in writing, upon his own initiative or upon a request of three members of the Governing Board.

SEC. 2. Time and procedures of general meetings of the Band shall be stated in ordinance or resolution form, provided a general meeting of the Band is scheduled at least once every year.

Special meetings of the Band shall be called by the Chairman, in writing, upon his own initiative, upon request of three members of the Governing Board, or upon a petition signed by at least 50 members of the Band 21 years of age and over.

In the absence of the Chairman and Vice-Chairman at a special or general meeting of the Band, there shall be an Acting Chairman elected by the qualified voters of the Band in attendance to preside at the particular meeting. Any qualified voter or representative of the Federal Government may preside during the election of the Acting Chairman.

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The Constitution and By-laws were adopted by the tribal voters at an election held on September 3, 1966.

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APPROVAL

I, Harry R. Anderson, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin.

Approval recommended:

/s/ T. W. Taylor

Acting Commission of Indian Affairs

/s/ Harry R. Anderson

Assistant Secretary of the Interior.

Washington, D. C.

[Seal]

Date: Nov. 2, 1966

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The Lac Courte Oreilles Band of Chippewa Indians does not have a Corporate Charter.

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CORPORATE CHARTER OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF THE LAC DU FLAMBEAU RESERVATION, WISCONSIN

Ratified May 8, 1937

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Whereas, the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in Wisconsin constitutes a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on July 18, 1936, and approved by the Secretary of the Interior on August 15, 1936, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of Incorporation to the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation to be effective from and after such time as it may be ratified by a majority vote in an election in which at least 30 percent of the adult Indians living on the Reservation shall vote.

1. Corporate Existence. In order to promote the economic development of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in Wisconsin by conferring upon said Tribe certain corporate rights, powers, privileges and immunities, and imposing upon such organized community, the responsibility of voluntary cooperative group action; to secure for the members of the Tribe the means of an economic independence; and to provide for the proper exercise by the Tribe of various functions and responsibilities heretofore performed and assumed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America under the corporate name "The Lac du Flambeau Band of Lake Superior Chippewa Indians."

2. Perpetual Succession. The Lac du Flambeau Band of Lake Superior Chippewa Indians shall, as a Federal Corporation have perpetual succession.

3. Membership. The Lac du Flambeau Band of Lake Superior Chippewa Indians shall be a membership occupation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Con-

stitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Lac du Flambeau Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Lac du Flambeau Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Lac du Flambeau Reservation shall be made by the Tribal Council for a longer term than five years, and all such leases must be approved by the Secretary of the Interior or by his duly authorized representative; but mining and other leases may be made for longer periods as authorized by law and by the Constitution and By-laws of the Tribe.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber of other natural resources of the Lac du Flambeau Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(5) No distribution of corporate property to members shall be made except out of net income.

(c) To issue certificates of interest in corporate property in exchange for restricted Indian lands, the forms of such certificates to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from other governmental agencies, from any member of association of members of the Tribe, or from any other source and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That no such indebtedness may be incurred except from the Indian Credit Fund, without the approval of the members of the Tribe, residing on the Reservation in a referendum vote and the express approval of the Secretary of the Interior, and no such indebtedness to which the Tribe may subject itself shall exceed $50,000.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States, or the State of Wisconsin, including agreements with the State of Wisconsin for the rendition of public services; Provided, That all contracts involving payment of money by the corporation in excess of $1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative and all such contracts, except contracts with the United States, shall be subject to a referendum vote of the members of the Tribe residing on the Reservation.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe; Provided, That such assignments of tribal income, other than assignments to the United States shall not extend more than ten years from the date of execution, and shall not exceed one-half of the net income of the Tribe from any one source; And provided further, That any such agreement of pledge or assignment shall be subject to a referendum vote of the members of the Tribe residing on the Lac du Flambeau Reservation and the approval of the Secretary of the Interior or his duly authorized representative..

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior, or to deposit such funds in the Postal Savings bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Upon the request of the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b)(3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 9 of this Charter, the Secretary of the Interior, if he shall approve such request shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon rati-

fication by a majority vote at an election in which at least 30 percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after five years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Lac du Flambeau Band of Lake Superior Chippewa Indians, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Reserve Fund. Forty per cent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not less than 20 per cent of the capital investment in such corporate enterprises. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

9. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Tribe in the corporate assets of the Tribe and may make a dividend distribution among such members of profits of corporate enterprises over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus, or made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

10. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council as provided in the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

11. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

12. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Lac du Flambeau Band of

Lake Superior Chippewa Indians living on the Lac du Flambeau Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the President of the Tribal Council of the Band.

Submitted by the Secretary of the Interior for ratification by the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in a popular referendum to be held on May 8, 1937.

CHARLES WEST,

Acting Secretary of the Interior.

Washington, D.C., May 4, 1937.

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on May 4, 1937, by the Secretary of the Interior to the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, Wisconsin, was duly submitted for ratification to the adult Indians living on the reservation and was on May 8, 1937, duly ratified by a vote of 100 for, and 16 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

GEORGE W. BROWN,
President of the Tribal Council of the Lac du
Flambeau Band of Lake Superior Chippwa Indians.

J. C. CAVILL,
Superintendent of the Great Lakes Agency.

***

CONSTITUTION AND BY-LAWS OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN

Approved August 15, 1936

PREAMBLE

We, the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, to re-establish our tribal organization, to conserve and develop our common resources, to establish a credit system and to promote the welfare of ourselves and our descendants, hereby ordain and establish this Constitution.

ARTICLE I — TERRITORY

The jurisdiction of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin shall extend to the territory within the original confines of the Lac du Flambeau Reservation as defined pursuant to the treaty dated September 30, 1854 (10 Stat. 1109), and to such other lands within or without said boundaries as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. All persons of Indian blood whose names appear on the official census roll of the Lac du Flambeau Reservation as of January 1, 1936, shall be members of the Tribe, provided, that the Tribal Council shall have power to revise said roll, with the approval of the Secretary of the Interior, at any time within two years from the approval of this Constitution.

SEC. 2. (a) Any child, of one-fourth (¼) or more Indian blood born to any member of the Tribe who at the birth of such child resided on the reservation shall be entitled to membership.

(b) Any child of one-half (½) or more Indian blood born to any member shall be entitled to membership regardless of his parents' residence.

(c) Any person of Indian blood who is a descendant of any member may be admitted to membership by a majority vote of the Tribal Council.

(d) Any person of Indian blood married to a member may be admitted to membership by a three-fourth (3/4) vote of the Tribal Council.

(e) Any person adopted into membership must be a permanent resident of the reservation and not a member of any other Indian tribe.

(f) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SEC. 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.

ARTICLE III — THE GOVERNING BODY

SECTION 1. The governing body of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin shall be the Tribal Council.

SEC. 2. The Council shall consist of a President, Vice President, Secretary, Treasurer, and eight (8) additional members. The officers and Councilmen shall be nominated and elected by popular vote as provided in Article IV of this Constitution.

SEC. 3. The President, Vice President, Secretary, and Treasurer shall act as the Executive Council of the Tribal Council, to which the Tribal Council may delegate such administrative power as it shall see fit.

SEC. 4. No person shall be a candidate for membership on the Tribal Council unless he shall be an enrolled member of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, at least twenty-five (25) years of age, and a resident of the reservation for at least one year preceding the date of election.

ARTICLE IV — NOMINATIONS AND ELECTION

SECTION 1. The first election of a Tribal Council of twelve members under this Constitution shall be called and supervised by the Constitution Committee as now constituted, within thirty (30) days after the ratification of this Constitution and Bylaws, and thereafter elections of six Councilmen shall be held every year on the first Tuesday in October.

SEC. 2. Immediately after the first election the Council shall meet and choose by lot two officers and four councilmen who shall serve until the next annual election, the remaining officers and councilmen to serve until the second annual election. After the first election, officers and councilmen shall be elected for two years and serve until their successors are elected and qualified.

SEC. 3. The Tribal Council shall determine rules and regulations governing all elections following the State of Wisconsin procedure as far as practicable.

SEC. 4. Any qualified member of the Tribe may become a candidate for membership in the Council by notifying the Secretary of the Tribal Council in writing of his candidacy at least fifteen days prior to the election. It shall be the duty of the Secretary of the Tribal Council to post at least ten days before the election, the names of all candidates for the Council.

SEC. 5. The Tribal Council, or a board appointed by the Council, shall certify to the election of the members of the Council immediately after the election returns.

SEC. 6. Any member of the Tribe who is twenty-one (21) years of age or over and who presents himself at the polls on election day, shall be entitled to vote.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Councilman or official shall die, resign, permanently leave the reservation, or to be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, provided that the person chosen to fill such vacancy shall be qualified.

SEC. 2. Members of the Tribal Council or other elected officials of this organization may be removed from office for improper conduct or gross neglect of duty upon petition signed by twenty-five or more members of the organization, stating their reasons for such removal. The Tribal Council shall consider such complaint and if deemed sufficient for removal, the Council shall appoint an impartial committee composed of five members of the Tribe, none of whom shall be a member of the Council or one of the signers of the petition, who shall immediately proceed to investigate and report to the Council. The Tribal Council, shall, upon receipt of such report, grant a hearing, hear testimony and determine the action to be taken, and if such investigation shall merit removal, it shall be ordered by a majority vote of the Council. And it is further provided that such removed official shall have the right of appeal to the whole Tribe at an annual or special election.

ARTICLE VI — POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and By-laws:

(a) To regulate the use and disposition of tribal property to protect and preserve the tribal property, wild life and natural resources of the Lac du Flambeau Band of Lake Superior Chippewa Indians, to cultivate Indian arts, crafts, and culture, to administer charity, to protect the health, security, and general welfare of the Tribe.

(b) To employ legal counsel for the protection and advancement of the rights of the Lac du Flambeau Band of Lake Superior Chippewa Indians and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To negotiate with the Federal, State, and local governments, on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians and to advise and consult with the representatives of the Department of the Government of the United States on all matters affecting the affairs of the Tribe.

(d) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, and tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered, or leased for a period of excess of five years, except that mining leases may be made for such longer periods as may be authorized by law.

(e) To advise with the Secretary of the Interior, with regard to all appropriation estimates, or Federal projects, for the benefit of the Tribe, prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(f) To manage all economic affairs and enterprises of the Tribe in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Tribe in conformity with Article VII of this Constitution.

(h) To appropriate for tribal use any available applicable tribal funds provided that if any appropriation shall result in the total appropriations for any fiscal year amounting to more than $5,000, such appropriation shall not be effective until approved by popular referendum.

(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which provide for taxes, assessments, or license fees upon non-members doing business within the reservation, or obtaining special rights or privileges, and the same, without such review, may also be applied to members of the Tribe, provided such ordinances have been approved by a popular referendum of the Tribe.

(j) To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances in accordance with Article II of this Constitution governing adoptions and abandonment of membership, provided that such adoption shall require the approval of the Secretary of the Interior for each applicant unless he is a person of Indian descent and related by marriage or descent to a member of the Tribe.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tribe and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian court, and defining its powers and duties.

(m) To purchase land from members of the Tribe for public purposes under condemnation proceedings of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting non-members shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative and other associations which may be organized under any charter issued under this Constitution.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Lac du Flambeau Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the Tribe.

(r) To recommend and provide for the appointment of guardians for orphans, minor members of the Tribe, and mental incompetents, subject to the approval of the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Tribe or Tribal Council for this purpose.

(s) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States, or by tribal enterprises.

(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the Tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

(v) To pledge tribal assets, except tribal lands, as collateral to secure loans but only with the approval of a referendum vote of the members of the Tribe and with the approval of the Secretary of the Interior.

SEC. 2. Any resolution or ordinance, which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: Provided, that if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor, and the Council, if such reasons appear to be insufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within ninety (90) days from its enactment.

SEC. 3. The Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Tribe.

SEC. 4. Any rights and powers heretofore vested in the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the members of the Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII — LAND

SECTION 1. Allotted Lands.—Allotted lands, including heirship lands, within the Lac du Flambeau Reservation shall continue to be held as heretofore by their present owners. It is recognized that under such existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the Federal Government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owners, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal Lands.—The unallotted lands of the Lac du Flambeau Reservation, and all lands which may hereafter be acquired by the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin or by the United States in trust for the said Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

SEC. 3. Leasing of Tribal Lands.—Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to cooperative associations of members of the Tribe, and, secondly, to individual Indians who are members of the Tribe. No lease of tribal lands to a non-member shall be made by the Tribal Council unless it shall appear that no cooperative association of members of the Tribe or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council in conformity with Departmental Regulations for the protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

SEC. 4. Grant of "Standard" Assignments.—In any assignment of tribal lands which are now owned by the Tribe or which may be acquired hereafter for the Tribe by the United States or purchased by the Tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and secondly, to heads of families which have no allotted lands, or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land of equal value, such economic unit to be determined from time to time by the Tribal Council.

No allotted member of the Tribe who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated, except to the Tribe, shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council, may, if it sees fit, charge a fee of not to exceed five dollars ($5.00) on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members and shall be known as "standard" assignments.

SEC. 5. Tenure of "Standard" Assignments.—If any member of the Tribe holding a "standard" assignment of land shall, for a period of one year fail to use the land so assigned or shall use such land for any unlawful purpose such assignment may be cancelled by the Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request shall have a preference in the reassignment of the land, provided such persons are members of the Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "Exchange" Assignments.—Any members of the Tribe who owns an allotment or any share or heirship land may voluntarily convey his interest in such land to the Tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger unit of land or other interest.

Assignments under this section shall be known as "exchange" assignments.

SEC. 7. Inheritance of Improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SEC. 8. Exchange of Assignments.—Assignments may be exchanged between members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin by common consent in such a manner as the Tribal Council shall designate.

SEC. 9. Purchase of Land by Tribe.—Tribal funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within or without the Lac du Flambeau Reservation which is not now in Indian ownership may be purchased by or for the Lac du Flambeau Band of Lake Superior Chippewa Indians.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

SEC. 10. Method of Making Assignments.—Applications for assignments shall be filed with the Secretary of the Council, and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances shall permit.

Notices of all applications received by the Secretary shall be posted by him in the Agency office and in at least three other conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may if he so desires appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officers in charge of the Agency a complete record of all action taken by the Council on applications for assignments of land, and a complete record of assignments shall be kept in the Agency office and shall be open for inspection by members of the Tribe.

The Council shall draw up one or more forms for "standard" and "exchange" assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VIII — AMENDMENTS

Amendments to this Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws. Whenever the Tribal Council by a vote of eight members shall consider an amendment necessary such amendment shall be sent to the Secretary of the Interior. It shall then be the duty of the Secretary of the Interior to call an election. If at such election the amendment is adopted by a majority vote of the adult members of the Tribe voting thereon in an election in which at least thirty per cent of those entitled to vote shall vote, such amendment shall be submitted to the Secretary of the Interior and if approved by him shall thereupon become effective.

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BY-LAWS OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The President of the Tribal Council shall preside at all meetings of the Council. He shall at all times have general supervision of the affairs of the Tribal Council and such matters as naturally pertain to the general welfare of the Community. It shall also be the duty of the President to countersign all checks drawn against funds of the Tribe by the Treasurer. He shall vote only in case of a tie. The President shall be ex-officio member of all subordinate boards and committees.

SEC. 2. In the absence of the President, the Vice President shall preside at all meetings of the Tribal Council and shall act in his stead in all matters pertaining to the office of the President.

SEC. 3. The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent of the jurisdiction. He shall attend to the keeping of the official records of the Tribal Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council. All official records of the Tribal Secretary shall be open to inspection by the members of the Tribe at all times. The Secretary shall be ex-officio member of all subordinate boards and committees.

SEC. 4. The Treasurer shall be the custodian of all funds in possession of the Tribe from any source. He shall be bonded by a surety company of recognized standing in an amount to be determined by the Tribal Council, such surety company and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the vote of the Tribal Council and as designated by this Constitution and By-laws. The books shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times.

The records of the Treasurer shall be open to inspection by members of the Tribe, members of the Tribal Council and its officers.

SEC. 5. The subordinate officers, boards, and committees of the Tribal Council shall perform such duties as the Tribal Council shall, by resolution, from time to time provide.

ARTICLE II — OATH

All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this Constitution. Such officers may be sworn in by any officer qualified to adminster an oath.

ARTICLE III — MEETINGS

SECTION 1. Regular meetings of the Tribal Council shall be held on the first Friday of January, April, July, and Octoberand at such other times as the Council shall designate. Special meetings shall be held at the discretion of the President, or upon request of three members of the Tribal Council. Five days written notice shall be given to all Council members.

SEC. 2. Seven members shall constitute a quorum.

SEC. 3. The Tribal Council shall prescribe such rules of order for its meetings as it desires.

SEC. 4. The meetings of the Tribal Council except executive sessions shall be public to the Tribe.

ARTICLE IV — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority vote of the adult members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

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CERTIFICATION OF RATIFICATION

Pursuant to an order, approved June 11, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the adult members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in Wisconsin, and were on July 18, 1936, duly adopted by a vote of 182 for, and 51 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

BEN CHOSA,
Chairman of Election Board.

CHARLES SUNN,
Secretary of Election Board.

J. C. CAVILL, Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984), as amended, do hereby approve the attached Constitutions and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the adult members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: August 5, 1936.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., August 15, 1936.

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AMENDMENTS TO THE CONSTITUTION AND BY-LAWS OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

AMENDMENT I

Article VI, Powers and Duties of the Tribal Council, shall be amended as to Section 1 (d) to read as follows:

> "(d). To approve or veto any sale, disposition, lease or encumbrance of tribal lands, and tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered, or leased for a period in excess of 10 years, except that mining leases may be made for such longer periods as may be authorized by law."

CERTIFICATE OF ADOPTION

Pursuant to an order approved on March 15, 1943, by the Assistant Secretary of the Interior, the attached amendment to the tribal constitution was submitted for ratification to the members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, and was on April 24, 1943, duly adopted by a vote of 141 for and 40 against, in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

BEN CHOSA,
President, Tribal Council.

GEORGE W. BROWN,
Secretary, Tribal Council.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

APPROVAL

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48. Stat. 984), as amended, do hereby approve the attached Amendment to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

Approval recommended June 19, 1943.

PAUL L. FICKINGER,
For the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Washington, D.C., June 25, 1943. [SEAL]

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AMENDMENT II

Article II, Section 1, Membership, shall be amended to read as follows:

> "SECTION 1.—All persons of Indian blood whose names appear on the official census roll of the Lac du Flambeau Reservation as of January 1, 1936, shall be members of the Tribe: Provided, That the Tribal Council shall have power to revise said roll, with the approval of the Secretary of the Interior, at any time within twelve years from the approval of this Constitution."

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the above Amendment II to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

Approval recommended.

WILLIAM A. BROPHY,
Commission of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Washington, D.C., June 2, 1945. [SEAL]

CERTIFICATION OF ADOPTION

Pursuant to an order approved March 22, 1945, by the Assistant Secretary of the Interior, the attached amendment to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians was submitted for ratification to the qualified voters of the Lac du Flambeau Band and was on April 14, 1945, duly adopted by a vote of 137 for, and 3 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

BEN CHOSA,
President, Lac du Flambeau Tribal Council

GEORGE W. BROWN,
Secretary, Lac du Flambeau Tribal Council.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

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AMENDMENT III

Article VIII, Amendments, shall be amended to read as follows:

> "Amendments to this Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws. Whenever the Tribal Council by a vote of eight members shall consider an amendment necessary such amendment shall be sent to the Secretary of the Interior. It shall then be the duty of the Secretary of the Interior to call an election. If at such election the amendment is adopted by a majority vote of the adult members of the Tribe residing on the reservation voting thereon in an election in which at least thirty percent of those entitled to vote shall vote, such amendment shall be submitted to the Secretary of the Interior and if approved by him shall thereupon become effective."

CERTIFICATE OF ADOPTION

Pursuant to an order approved on March 15, 1943, by the Assistant Secretary of the Interior, the attached amendment to the tribal constitution was submitted for ratification to the members of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, and was on April 24, 1943, duly adopted by a vote of 145 for and 35 against, in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378).

BEN CHOSA,
President, Tribal Council

GEORGE W. BROWN,
Secretary, Tribal Council.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amendment to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

Approval recommended: June 19, 1943.

PAUL L. FICKINGER,
For the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior

Washington, D.C., June 25, 1943.

[SEAL]

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AMENDMENT IV

Article II, Section 1, shall be amended to read as follows:

> "All persons of Indian blood whose names appear on the official census roll of the Lac du Flambeau Reservation as of January 1, 1936, shall be members of the Tribe, Provided, that the Tribal Council shall have power to revise said roll, with the approval of the Secretary of the Interior, at any time within seventeen years from the approval of this Constitution."

CERTIFICATION OF ADOPTION

Pursuant to an order of September 26, 1952, by the Assistant Secretary of the Interior, the attached amendment to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians was submitted for ratification to the qualified voters of the Lac du Flambeau Band and was on October 7, 1952, duly adopted by a vote of 86 for, and 4 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

BEN CHOSA,
President, Lac du Flambeau Tribal Council

GEORGE W. BROWN,
Secretary, Lac du Flambeau Tribal Council

E. J. RILEY
Administrative Officer
Consolidated Great Lakes Area Field Office

I, Joel D. Wolfsohn, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment IV to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

Approval recommended: January 14, 1953

[Unintelligible]
Commissioner of Indian Affairs

JOEL D. WOLFSOHN
Assistant Secretary of the Interior

[SEAL]

Washington, D.C., January 21, 1953.

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AMENDMENT V

Article VI, Section 1, Sub-section (b) of the Constitution, which reads:

> "To appropriate for tribal use any available applicable tribal funds provided that if any appropriation shall result in the total appropriations for any fiscal year amounting to more than $5,000.00 such appropriation shall not be effective until approved by popular referendum."

SHALL BE CHANGED TO READ AS FOLLOWS:

> "To appropriate for tribal use any available applicable tribal funds provided that if any appropriation shall result in the total appropriations for any fiscal year amounting to more than $10,000.00 such appropriation shall not be effective until approved by popular referendum."

Amendment carried by 118 votes for and 24 against.

CERTIFICATION OF ADOPTION

Pursuant to an order approved April 3, 1959, by the Asst. Secretary of the Interior, the attached amendment to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, Wisconsin, was submitted for adoption to the qualified voters of the tribe and was on May 22, 1959 duly adopted by a vote of 118 for, and 24 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PETER CHRISTIANSEN
President, Tribal Council
Lac du Flambeau Band of Lake Superior
Chippewa Indians

MARY THEOBALD
Secretary, Tribal Council
Lac du Flambeau Band of Lake Superior
Chippewa Indians

E. J. RILEY 5/27/59
Supt., Great Lakes Agency

APPROVAL

I, Fred G. Aandahl, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment V of the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

Approval recommended: June 11, 1959

[Unintelligible]
Commissioner of Indian Affairs

FRED G. AANDAHL
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.
June 19, 1959

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AMENDMENT VI

Article VII, Section 9, Purchase of Land by Tribe. Tribal funds may be used to acquire land under the following circumstances:

(a) Land within or without the Lac du Flambeau Reservation which is not now in a trust or restricted Indian ownership may be purchased by or for the Lac du Flambeau Band of Lake Superior Chippewa Indians, either with funds under control of the Tribal Council, or, if the Secretary of the Interior consents, with other tribal funds.

(b) Restricted or trust lands, including land in heirship status, may be purchased with funds under the control of the Tribal Council, or; if the Secretary of the Interior consents; with other tribal funds."

APPROVAL

I, John A. Carver, Asst. Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment VI to the Constitution and By-laws of the Lac du Flambeau Band of the Lake Superior Chippewa Indians of Wisconsin.

Approval recommended:

[Unintelligible]
Commissioner

JOHN A. CARVER, JR.
Assistant Secretary of the Interior

Washington, D.C.
Nov. 13, 1961

CERTIFICATION OF ADOPTION

Pursuant to an order approved June 29, 1961, by the Assistant Secretary of the Interior, the attached amendment to the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, Wisconsin, was submitted for adoption to the qualified voters of the Tribe and was on October 3, 1961, duly adopted by a vote of 86 [?] for, and 43 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PETER CHRISTIANSEN
President, Tribal Council
Lac du Flambeau Band of Lake Superior
Chippewa Indians

[Unintelligible]
Secretary, Tribal Council
Lac du Flambeau Band of Lake Superior
Chippewa Indians

E. J. RILEY
Superintendent, Great Lakes Agency

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CORPORATE CHARTER OF THE RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF THE RED CLIFF RESERVATION, WISCONSIN

Ratified October 24, 1936

Whereas, the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation in Wisconsin constitute a recognized Indian tribe organized under a constitution and by-laws ratified by the Tribe on April 18, 1936, and approved by the Secretary of the Interior on June 1, 1936, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Reservation.

1. Corporate Existence. In order to further the economic development of the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation in Wisconsin by conferring upon said Tribe certain corporate rights, powers, privileges, and immunities, and imposing upon such organized community the responsibility of voluntary cooperative group action; to secure for the members of the Tribe the means of an assured economic independence; and to provide for the proper exercise by the Tribe of various functions and responsibilities heretofore performed and assumed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America under the corporate name "The Red Cliff Band of Lake Superior Chippewa Indians."

2. Perpetual Succession. The Red Cliff Band of Lake Superior Chippewa Indians shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Red Cliff Band of Lake Superior Chippewa Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Tribal Council of the Tribe established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Red Cliff Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Red Cliff Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Red Cliff Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber or other natural resources of the Red Cliff Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(5) No distribution of corporate property to members shall be made except out of net income.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms of such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness, other than indebtedness to the Indian Credit Fund, to which the Tribe may subject itself, shall not exceed ten thousand dollars, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Wisconsin, including agreements with the State of Wisconsin for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of $1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any one source: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30% of the adult members of the Tribe residing on the reservation shall vote. If at any time after five years from the effective date of this charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Red Cliff Band of Lake Superior Chippewa Indians as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any

corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe all profits of corporate enterprises over and above sums necessary to defray corporate obligations to members of the Tribe, or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to a per capita cash payment of $100 or more, or amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council as provided in the Constitution and By-laws of the Red Cliff Band of Lake Superior Chippewa Indians.

10. Amendments. This charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Red Cliff Band of Lake Superior Chippewa Indians living on the Red Cliff Reservation, provided at least 30 percent of the eligible voters shall vote; such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the Chairman of the Tribal Council of the Band.

Submitted by the Secretary of the Interior for ratification by the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation in a popular referendum to be held on October 24, 1936.

HAROLD L. ICKES,
Secretary of the Interior

[SEAL]

Washington, D.C., October 5, 1936.

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CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on October 5, 1936, by the Secretary of the Interior to the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation, Wisconsin, was duly submitted for ratification to the adult Indians living on the reservation and was on October 24, 1936, duly adopted by a vote of 74 for, and 1 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

MARTIN BUFFALO,
Chairman of the Tribal Council.

J. C. CAVILL,
Superintendent in charge of the reservation.

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CONSTITUTION AND BY-LAWS OF THE RED CLIFF BAND

OF LAKE SUPERIOR CHIPPEWA INDIANS, WISCONSIN

Approved June 1, 1936

PREAMBLE

We, the members of the Red Cliff Band of Lake Superior Chippewa Indians in the State of Wisconsin, in order to reestablish our tribal organization; to conserve our tribal property; to develop our common resources; to promote the welfare of ourselves and our descendants; to form business and other organizations; to enjoy certain rights of home rule; and to provide for our people education in vocational and trade schools and institutions of higher learning do ordain and establish this constitution and by-laws.

ARTICLE I — TERRITORY

The jurisdiction of the Red Cliff Band of Lake Superior Chippewa Indians shall extend to the territory within the original confines of the Red Cliff Reservation as defined under the treaty of September 30, 1854, and to such other lands within or without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The following shall be members of this organization:

(a) Persons of Indian blood whose names appear on the official allotment roll of 1896 and census roll of 1934 of the Red Cliff Band of Lake Superior Chippewa Indians of Bayfield, Wis.

(b) All children born to any member of the Red Cliff Band who is a resident of the reservation at the time of the birth of such children.

SEC. 2. Adoption or reinstatement of Indians, not members of the organization, shall be made by written application to a membership committee, who shall, upon proper investigation, make their recommendations to the tribal council for their consideration and determination. The decision of the tribal council in all membership hearings shall be subject to a referendum vote of the people at the next annual or special election.

SEC. 3. The tribal council shall have power to promulgate ordinances, subject to the review of the Secretary of the Interior, covering future membership including adoptions and the loss of membership.

SEC. 4. No property rights shall be acquired or lost through membership in this organization, except as provided herein.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Red Cliff Band of Lake Superior Chippewa

Indians shall be a tribal council composed of nine members who shall be chosen at an election as herein provided.

SEC. 2. Members of the tribal council shall be elected by popular ballot for a term of 1 year from date of installation in office or until their successors shall have been regularly elected and qualified, except as provided in Section 1 of Article IV.

SEC. 3. Each adult member of the organization shall be entitled to cast one vote and the nine candidates receiving the highest number of votes shall be declared elected.

SEC. 4. Immediately after the election of members of the council, members so elected shall assemble at the council hall and perfect the tribal council organization by electing from their own members a chairman, vice chairman, secretary, and treasurer. They shall also appoint such other boards, officers, and employees as may be necessary.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a tribal council under this constitution shall be called, held, and supervised by the present tribal committee within 30 days after the approval of this constitution and by-laws by the Secretary of the Interior, and thereafter elections shall be held every year on the first Tuesday after the first Monday in July, except that members of the tribal council elected in the first election shall hold office until July 1937.

SEC. 2. Any qualified member of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin may announce his or her candidacy or be nominated for the council. The secretary of the tribal council shall be notified in writing of all candidacies and nominations at least 15 days prior to the election. It shall be the duty of the secretary of the tribal council to post, at least 10 days before election, the names of all candidates for the council who have met these requirements.

SEC. 3. Any member of the tribe who is 21 years of age or over and who presents himself at the polls on election day shall be entitled to vote.

SEC. 4. The tribal council shall determine rules and regulations governing all elections by proper ordinance.

SEC. 5. The tribal council, or a board appointed by the tribal council, shall certify to the election of the members of the council within 3 days after the election returns.

SEC. 6. The tribal council, or a board appointed by the tribal council, shall designate the polling places and appoint all election officials.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Upon receipt of a petition signed by one-third of the eligible voters calling for the recall of any member of the council, it shall be the duty of the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters shall vote at such election.

SEC. 2. The tribal council may be an affirmative vote of six members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least 5 days before the meeting at which he is to appear. Impeachment shall result in disqualifying a member of the council from holding any office of trust in the Red Cliff tribal organization.

SEC. 3. The tribal council shall have power to fill all vacancies caused by death, removal, resignation, or otherwise, such appointment to be in force and effect until the next general election.

ARTICLE VI — POWERS

SECTION 1. The tribal council shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Red Cliff Band.

(b) To employ counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands and tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government: Provided, That no tribal lands shall be sold or encumbered or leased for a period in excess of 5 years, except for governmental purposes and except that mining leases may be made for such longer periods as may be authorized by law.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(f) To appropriate for public purposes of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin available tribal council funds, and subject to review by the Secretary of the Interior, any other available tribal funds.

(g) To levy taxes upon members of the tribe and to require the performance of labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation: Provided, however, That any such assessment upon members of the tribe shall have the approval of the majority of the voters at the next annual or at a special election called for this purpose at which 30 percent of the eligible voters vote.

(h) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(i) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation: Provided, That any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior.

(j) To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Red Cliff Reservation, subject to review by the Secretary of the Interior.

(k) To regulate the manner of making nominations and holding elections for tribal officers.

(l) To adopt resolutions regulating the procedure of the tribal council itself and of other tribal agencies and tribal officials.

(m) To encourage and foster the arts, crafts, traditions, and culture of the Red Cliff Band, and to protect and preserve the wildlife and natural resources of the reservation.

(n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the tribe by ordinance: Provided, That any such ordinance shall be subject to review by the Secretary of the Interior.

(o) To delegate to subordinate boards, or tribal officials, or to cooperative associations, which are open to all members of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(p) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Red Cliff Band of Lake Superior Chippewas of Wisconsin and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(q) To provide for the appointment of guardians for minors, aged persons, and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.

SEC. 2. Any resolution or ordinance, which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within 10 days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing endorsement, to the Secretary of the Interior, whomay, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days of its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers.—The tribal council may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any duly authorized official, or agency of the State or Federal Government, or by individual members of the band.

SEC. 4. Reserved powers.—Any rights and powers heretofore vested in the Red Cliff Band, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Red Cliff Band of Lake Superior Chippewa Indians, through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII — REFERENDUM

Any exercise of enumerated powers lodged in the tribal council shall be subject to referendum vote to the people upon a written petition signed by not less than 25 percent of the total number of voters in the last annual election, provided that not less than 30 percent of the eligible voters shall participate in any such referendum.

ARTICLE VIII — LAND

SECTION 1. Allotted lands, including heirship lands, within the Red Cliff Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation by any agency of the State of Wisconsin or of the Federal Government or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Red Cliff Tribe. Likewise, it is recognized that under existing law, the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or dispose of his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Red Cliff Band either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands of the Red Cliff Band of Lake Superior Chippewa Indians and all lands which may hereafter be acquired by the Red Cliff Band of Lake Superior Chippewa Indians, or by the United States in trust for them, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. Tribal lands shall not be allotted to individual Indians but such tribal lands as are not required for school, agency, or other administrative use may be assigned by the tribal council to members, or may be leased or otherwise used by the tribe as hereinafter provided.

SEC. 4. Tribal lands may be leased by the tribal council with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to cooperative associations of members of the tribe; and secondly, to individual Indians who are members of the Red Cliff Band of Lake Superior Chippewa Indians. No lease of tribal lands to a nonmember shall be made by the tribal council unless it shall appear that no cooperative association of members of the tribe or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

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SEC. 5. In any assignment of tribal lands which are now owned by the tribe, or which may hereafter be acquired for the tribe by the United States or purchased by the tribe by the United States or purchased by the tribe out of tribal funds, or which may be designated for the use of the tribe, preference shall be given, first, to heads of families which are entirely landless; and secondly, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land of equal value, such economic unit to be determined by the tribal council. Assignments under this section shall be for the primary purpose of establishing homes for landless Indians and shall be known as standard assignments.

No member of the tribe who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, levy a service charge not to exceed $15 on approval of all standard assignments made under this section.

SEC. 6. If any person holding a standard assignment of land shall for a period of 1 year fail to use the lands so assigned or shall use the land for any unlawful purpose, his assignment may be canceled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a standard assignment his heirs or other individuals designated by him by will or written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Red Cliff Band of Lake Superior Chippewa Indians who owns an allotment of land or any share in heirship land or any deeded land, may,with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, to the tribe and receive therefor an assignment in the same land or other land of equal value, or he may receive a proportionate share in a larger unit of land.

Assignments made under this section shall be known as "exchange assignments."

SEC. 8. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations of members, to individual members of the tribe, or if no individual member or cooperative association of members is able and willing to rent the land, such assignments may be leased to non-Indians in the same manner as allotted land.

SEC. 9. Upon the death of a holder of an exchange assignment such lands shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Red Cliff Band, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of agricultural land or other lands of equal value, such unit to be determined from time to time by the council.

(c) No agricultural land shall be subdivided into units smaller than 2½ acres. When interests in assignments shall involve smaller areas than the amount herein set out, the tribal council may issue to such heir or devisee a proportionate share in other agricultural units or other interests in land or equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

SEC. 10. Improvements of any character made upon assigned land are hereby recognized to be the property of the assignee. Such improvements may be willed to and inherited by members of the Red Cliff Band of Lake Superior Chippewas. When improvements are not possible of fair division, the tribal council shall dispose of them under such regulations as it may provide to protect the interest of said heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

SEC. 11. No member of the Red Cliff Band of Lake Superior Chippewas may use or occupy tribal lands except under an assignment or lease.

SEC. 12. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe.

SEC. 13. Tribal funds may be used by the council, with the consent of the Secretary of the Interior, to acquire land for the Red Cliff Band.

SEC. 14. Applications for assignment of land shall be made in writing. Such applications shall be submitted to the tribal council at regular or special meetings. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the tribal council. Any member of the tribe may object in writing to a proposed assignment. In the event of objection, the chairman of the tribal council shall set a date for a hearing, advising both the applicant and the objector. The action of the tribal council shall be final.

SEC. 15. The tribal council shall be empowered to consolidate inherited land holdings by purchase, exchange, transfer, gift, or voluntary relinquishment, including the right to reassign same in the public interest.

SEC. 16. The secretary of the tribal council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the tribal council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office, and shall be open for inspection by members of the tribe.

SEC. 17. The tribal council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the Red Cliff Band voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution of the council signed by at least 7 members thereof.

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BY-LAWS OF THE RED CLIFF BAND OF LAKE SUPERIOR INDIANS

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The duties of the officers of the tribal council shall be as follows:

(a) The chairman of the tribal council shall preside at all meetings of the council. He shall also be the presiding officer of any general council meeting. He shall at all times have general supervision of the affairs of the tribal council and such matters as naturally pertain to the general welfare of the community. He shall execute all the rules, regulations, and orders of the council, and shall have power to call to his assistance any official or member of the tribe whenever he deems it necessary for the proper enforcement of any orders of the tribal council, countersign all checks drawn by the treasurer, and shall perform all other duties that may be provided by the council and such other duties as pertain to his office.

(b) The vice chairman shall assist the chairman when called on so to do, and in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

(c) The secretary shall be the custodian of the official records, books, papers, and documents of the tribe; he shall keep a record of all the proceedings, resolutions, and of all the activities of the council; shall handle all correspondence; and shall perform all other duties required of his office by the tribal council.

(d) The treasurer of the tribal council shall accept, receive, receipt for, preserve, safeguard all funds in the custody of the council whether they be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all funds in such depository as the council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the tribal council, and at such other times as requested by the council or the executive committee. He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the council. The treasurer shall be required to give a bond satisfactory to the council and the Commissioner of Indian Affairs.

SEC. 2. It shall be the duty of the tribal council to cause the records and books of the treasurer and other officials to be audited by a competent auditing committee once every year, such committee to make their report under oath, and the same shall comprise an itemized statement of all receipts and disbursements, and for what purposes, and they shall be compensated for such service in such amount as the tribal council shall by resolution provide, subject to the approval of the Secretary of the Interior.

SEC. 3. The tribal council shall meet on the first Monday of each month.

SEC. 4. The meeting of the tribal council shall be public, except all executive sessions, and the tribal council shall provide rules of order for their meeting.

SEC. 5. Special meetings of the council may be called by the chairman when deemed necessary, or by a petition signed by a majority of the council upon 3 days' notice thereof, giving the reason for such meeting and the nature of the business to be transacted thereat.

SEC. 8. A majority of the tribal council shall constitute a quorum to do business at all regular and special meetings.

ARTICLE II — QUALIFICATION OF OFFICERS

SECTION 1. Members of the council must be at least 25 years of age, and residents of the Red Cliff Reservation, and it is further provided that the tribal council shall be the judge of the qualifications of its own members.

SEC. 2. No classified Federal employee under civil service shall be eligible to hold tribal office under this constitution.

SEC. 3. Any person elected to office under this constitution must be at least 25 years of age, a resident member of the tribe for at least 1 year immediately previous to his election.

ARTICLE III — OATH OF OFFICE

All officials, whether elected or appointed, shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this constitution. Such officers may be sworn in by any officer qualified to administer an oath.

ARTICLE IV — SALARIES

SECTION 1. Tribal officials shall be paid such salaries from available tribal funds as the tribal council shall decide. All proposals for salaried positions by the tribal council shall be referred to the Secretary of the Interior for final decision.

SEC. 2. The members of the tribal council, boards, and committees shall be paid for expenses incurred in the interest of the community when previously authorized by the tribal council.

ARTICLE V — ADOPTION OF CONSTITUTION AND BY-LAWS

This constitution and by-laws, when ratified by a majority of the qualified voters of the Red Cliff Band of Lake Superior Chippewa Indians, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of the qualified voters shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 18, 1936, by the Secretary of the Interior, the attached constitution and by-laws were submitted for adoption to the adult members of the Red Cliff Band of Lake Superior Chippewa Indians and were on April 18, 1936, duly adopted by a vote of 138 for, and 1 against, in an election in which over

30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Public, No. 147, 74th Cong.).

MARTIN BUFFALO,
Chairman of Election Board.

MARTIN BUFFALO,
Chairman of the Tribal Council.

ALEX F. ROYE,
Secretary of the Tribal Council.

J. C. CAVILL, Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby, approve the attached constitution and by-laws of the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended May 26, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D. C., June 1, 1936.

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CONSTITUTION AND BY-LAWS OF THE ST. CROIX BAND

CHIPPEWA INDIANS OF WISCONSIN

Approved November 12, 1942

[The St. Croix Band's Constitution and By-Laws are presently being revised.]

PREAMBLE

We, the St. Croix Chippewa Indians of Wisconsin, residing on the St. Croix Reservation, in order to establish a tribal organization and assume a legal tribal status under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), hereby adopt this constitution.

ARTICLE I — NAME

This organization shall be known as "The St. Croix Chippewa Indians of Wisconsin."

ARTICLE II — TERRITORY

The territory of this organization shall be the St. Croix Reservation as established by proclamation of the Secretary of the Interior on November 28, 1938, and all lands hereafter acquired by or for the St. Croix Indians.

ARTICLE III — MEMBERSHIP

The membership of the St. Croix Chippewa Indians shall consist of:

SECTION 1. (a) The St. Croix Indians whose names appear on the roll approved by the Commissioner of Indian Affairs on November 10, 1938, who are residing on the St. Croix Reservation at the time this constitution is submitted for ratification.

(b) All children of one-half or more Indian blood born since November 10, 1938, to members residing on the St. Croix Reservation.

SEC. 2. (a) The St. Croix Indians whose names appear on the roll approved by the Commissioner of Indian Affairs on November 10, 1938, and who are not residing on the St. Croix Reservation at the time this Constitution is adopted, shall become members by making application to the St. Croix Council, which Council shall cause the names of such applicants to be added to the membership roll; Provided, That applicants who may be enrolled with another tribe shall first relinquish such membership.

(b) The Council shall adopt appropriate ordinances, subject to the approval of the Secretary of the Interior, governing the admission to membership of persons, not included in the foregoing, who are of one-half or more degree of Indian blood, and who apply for such membership.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of this organization shall be the St. Croix Council, which shall be composed of five members elected biennially by popular vote.

SEC. 2. The St. Croix Business Committee elected in April 1939, shall serve as the Council until the next regular election on the second Saturday in June 1943.

SEC. 3. The officers of the Council shall consist of a president, vice-president, and secretary-treasurer, who shall be chosen by the Council when properly convened. The president and vice-president shall be elected from the Council membership.

SEC. 4. Members who are 21 years of age or over shall be eligible to vote at elections.

ARTICLE V — POWERS OF THE COUNCIL

SECTION 1. The Council shall have the following powers, subject to any limitation imposed by the statutes or by the Constitution of the United States:

(a) To negotiate with federal, state and local governments on all matters affecting the welfare of the members of this organization.

(b) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets.

(d) To adopt ordinances, which will be subject to approval by the Secretary of the Interior, providing for the use of tribal lands and the removal from the reservation of nonmembers whose presence or activities may be deemed injurious to the welfare of the tribe.

(e) To advise with representatives of the Department with regard to all appropriation estimates or Federal projects for the benefit of the reservation prior to admission of such estimates to the Bureau of the Budget and the Congress.

(f) To regulate its own procedure, to appoint boards or committees, and to delegate to such subordinate agencies such powers as may be necessary in the performance of the duties assigned to them, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. The St. Croix Council may exercise, subject to popular referendum, such powers as may in the future be delegated to the St. Croix Chippewa Indians of Wisconsin by the Secretary of the Interior, or by any duly authorized official or agency of the Government.

ARTICLE VI — REFERENDUM

SECTION 1. Upon a petition by at least one-third of the eligible voters, or upon the request of a majority of the members of the Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such a referendum shall be conclusive and binding on the Council.

ARTICLE VII — AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters, voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of a majority of the council, or upon the presentation of a petition signed by one-third (1/3) the qualified voters.

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BY-LAWS OF THE ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the president to preside at all meetings of the Council, to direct the work of its officers, and to exercise any authority delegated to him by the Council.

SEC. 2. The vice-president shall preside at any meeting of the Council from which the president is absent.

SEC. 3. The secretary-treasurer shall conduct the correspondence of the Council. He shall keep all Council records, and may be required to give bond acceptable to the Council and the Commissioner of Indian Affairs.

ARTICLE II — MEETINGS AND PROCEDURE

SECTION 1. The Council shall assemble on the first Monday of the month.

SEC. 2. Special meetings may be called by the president or by three members of the Council.

SEC. 3. A majority of the members shall constitute a quorum.

SEC. 4. No member shall cast a vote on any question in which he may have a personal pecuniary interest.

ARTICLE III — RATIFICATION

This constitution and by-laws, when ratified by a majority vote of the eligible members of the St. Croix Chippewa Indians residing upon the St. Croix Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of the qualified voters shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved on July 20, 1942, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the St. Croix Chippewa Indians residing upon the St. Croix Reservation in Wisconsin, and was on August 29, 1942, duly adopted by a vote of 16 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

LEE TAYLOR
Chairman, Constitution Committee

MRS. LOLITA TAYLOR
Secretary, Constitution Committee

J. C. CAVILL
Superintendent, Great Lakes Agency

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I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of authority vested in me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the St. Croix Chippewa Indians of Wisconsin.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of this Constitution and By-laws,,are hereby declared inapplicable to the members of the St. Croix Chippewa Indians of Wisconsin.

All officers and members of the Department of the Interior are ordered to abide by the provisions of this Constitution and By-laws.

Approval recommended: October 23, 1942

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs, Chicago, Illinois.

OSCAR L. CHAPMAN,
Assistant Secretary

[SEAL]

Washington, D. C., November 12, 1942

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The St. Croix Chippewa Indians of Wisconsin do not operate under a Corporate Charter.

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CORPORATE CHARTER OF THE SOKAOGON CHIPPEWA COMMUNITY

WISCONSIN

Ratified October 7, 1939

Whereas, the Sokaogon Chippewa Community constitutes a recognized Indian tribe organized under a constitution and by-laws ratified by the Community on October 8, 1938 and approved by the Assistant Secretary of the Interior on November 9, 1938 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Sokaogon Chippewa Community have petitioned that a charter of incorporation be granted to such Community, subject to ratification by a vote of the adult Indians of the Community;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat.984), do hereby issueand submit this charter of incorporation to the Sokaogon Chippewa Community to become effective upon ratification by a majority vote of the adult Indians of the Community voting in an election in which at least 30 percent of the eligible voters shall vote.

1. Corporate Existence. In order to further the economic development of the Sokaogon Community be conferring upon the said Community certain corporate rights, powers, privileges, and immunities; and to provide for the proper exercise by the Community of the various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "Sokaogon Chippewa Community."

2. Perpetual Succession. The Sokaogon Chippewa Community shall, as a Federal corporation, have perpetual succession,

3. Membership. The Sokaogon Chippewa Community shall be a membership corporation. Its members shall consist of all Indians now or hereafter members of the Community,as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Tribal Council of the Sokaogon Chippewa Community established in accordance with the said constitution and by-laws of the Community, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and by-laws of the said Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Community constitution and by-laws.

(a) To adopt, use, and alter as its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

1. No sale nor mortgage may be made by the Community of any land, or in-

terests in land, including water and mineral rights, now or hereafter held by the Community within the boundaries of the Mole Lake Reservation.

2. No mortgage may be made by the Community of any standing timber of any land now or hereafter held by the Community within the boundaries of the Mole Lake Reservation.

3. Leases or permits (which terms shall not include land assignments to members of the Community) may be made to members of the Community on any land now or hereafter owned by the tribe for a term of one year without the approval of the Secretary of the Interior; timber-sale contracts and leases except one-year leases to members may be made for terms not to exceed two years with the approval of the Secretary of the Interior or his duly authorized representative: Provided, That any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

4. No action shall be taken by or in behalf of the Community which shall in any way operate to destroy or injure the natural resources of the Mole Lake Reservation. All leases, permits, and timber sale contracts relating to the use of Community grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934 (48 Stat. 984), with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable in the discretion of the Secretary of the Interior.

5. No distribution of corporate property to members shall be made except out of net income.

(c) To issue certificates of interest in corporate property in exchange for restricted Indian lands, the forms for such certificates to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any source, and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: Provided, That the amount of indebtedness to which the Community may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $5,000 except with the express approval of the Secretary of the Interior.

(e) To engage in any business or undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law, or with any provisions of this Charter: Provided, That any contract involving payment of money by the corporation in excess of $5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge and assign chattels or future Community income: Provided, That no contract involving a pledge of chattels or an assignment of income, other than with the United States, shall extend more than five years from the date of execution or involve payment of money in excess of one-half the net Community income from any source in any one year: And provided further, That any such contract shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Community.

(i) To sue or be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power shall not be deemed a consent by the said Community or by the United States to the levy of any judgment, lien, or attachment upon the property of the Community other than chattels or income specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. At any time after five years from the effective date of this Charter, the Tribal Council may request the termination of any supervisory power reserved to the Secretary of the Interior under Section 5 (b), 3, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 9 of this Charter. The Secretary of the Interior, if he shall approve the request, shall submit the question of termination to the Community for referendum. Such termination shall become effective upon ratification by a majority vote of the adult members of the Community in an election in which at least 30 percent of the eligible voters vote. If the Secretary of the Interior shall disapprove the request for termination or fail to approve or disapprove it within 90 days after its receipt, the question may then be submitted by the Secretary, or by the Tribal Council to the Community for referendum, and if the termination is approved by a two-thirds vote of the eligible voters living within the Community, it shall be effective.

7. Corporate Property. No property rights of the Sokaogon Chippewa Community, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Reserve Fund. Twenty-five percent of net income from corporate enterprises shall be placed in a general reserve fund, annually, until said reserve fund equals not less than 25 percent of the capital investment in such corporate enterprises. Thereafter, the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used for repairs, replacements, improvements, and developments of corporate enterprises.

9. Corporate Dividends. The Community may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the corporate assets of the Community and may distribute per capita, among the recognized members of the Community, all profits of corporate enterprises over and above sums necessary to defray corporate obligations and over and above sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expense of Community government, the needs of charity, or other corporate purposes. No such distribution of profits in any one year amounting to more than one-half of the accrued surplus shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Community shall be made except as provided herein or authorized by Congress.

10. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all debts, credits, pledges, and assignments, and shall furnish an annual budget sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs. The books of the Treasurer shall be open to inspection by members of the Community or duly authorized representatives of the Government.

11. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Sokaogon Chippewa Community at a popular referendum in which at least 30 percent of the eligible voters shall vote.

12. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Sokaogon Chippewa Community residing on the Mole Lake Reservation, Wisconsin, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the Chairman of the Tribal Council of the Sokaogon Chippewa Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Sokaogon Chippewa Community.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

Washington, D.C., August 16, 1939.

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CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on August 16, 1939 by the Assistant Secretary of the Interior to the Indians of the Sokaogon Chippewa Community of the Mole Lake Reservation in Wisconsin, was duly submitted for ratification to the adult members of the Community living on the reservation and was on October 7, 1939 duly ratified by a vote of 40 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

HENRY L. SMITH,
Vice-Chairman, Sokaogon Chippewa Community
Tribal Council.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

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CONSTITUTION AND BY-LAWS OF THE SOKAOGON CHIPPEWA COMMUNITY, WISCONSIN

Approved November 9, 1938

PREAMBLE

We, the members of the Mole Lake Band of Chippewa Indians, in order to establish our tribal organization; secure the benefits of the Indian Reorganization Act; and promote the welfare of ourselves and our descendants, do ordain and establish this Constitution and By-laws.

ARTICLE I — NAME

This community shall be known as "The Sokaogon Chippewa Community."

ARTICLE II — TERRITORY

The jurisdiction of this Community shall extend to all lands purchased now or hereafter by the United States for the benefit of the Mole Lake Band of Chippewa Indians in Wisconsin.

ARTICLE III — MEMBERSHIP

SECTION 1. The following shall be members of the Sokaogon Chippewa Community:

(a) Recognized members of the Mole Lake Band of Chippewa Indians whose names appear on the 1937 Census list of the Mole Lake Band.

(b) Children born to members of the Community.

SEC. 2. Any person of Indian blood may be adopted into the Community by a majority vote of the adult members of the Community at an election in which at least 30 per cent of those entitled to vote shall vote. The Tribal Council shall have power to enact ordinances, which shall be subject to the approval of the Secretary of the Interior, governing future membership and adoption into the Community.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Sokaogon Chippewa Community shall be a Tribal Council, composed of a Chairman, a Vice-Chairman, a Treasurer, and two councilmen, to be elected by popular referendum.

SEC. 2. The Tribal Council shall appoint a tribal Secretary and such boards and committees as may be deemed necessary. No tribal Secretary shall be appointed for a longer term than two years.

SEC. 3. The officers and councilmen shall be elected as follows: the Chairman, Vice-Chairman, and Treasurer shall be elected for a term of two years; the two councilmen shall be elected for a term of one year.

SEC. 4. Any member of the Community 21 years of age or over may be elected or appointed to the Tribal Council, provided he has maintained a continuous residence in the Community for at least one year immediately preceding his election or appointment.

SEC. 5. Any member of the Community who is 21 years of age or over shall be entitled to vote in any election at which he presents himself at the polls on election day during the official voting hours.

SEC. 6. The present Business Committee shall call, hold, and supervise the first Tribal Council election under such rules and regulations as the committee may provide. The Tribal Council shall provide by ordinance, the date and manner of holding future elections.

ARTICLE V — VACANCIES AND REMOVAL

SECTION 1. The Tribal Council may by an affirmative vote of three, expel any member of the Council for neglect of duty, or gross misconduct: Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final.

SEC. 2. The Tribal Council shall fill vacancies in its membership caused by death, removal, resignation, or otherwise, such appointment to be in force and effect until the next annual election.

ARTICLE VI — REFERENDUM

Any enacted or proposed ordinance, resolution or any other regulative act of the Tribal Council shall be submitted to a referendum of the qualified voters of the Community upon a petition signed by not less than 30 per cent of the eligible voters of the Community.

ARTICLE VII — POWERS

SECTION 1. Enumerated Powers.—The Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution and laws of the United States and this Constitution and By-laws.

(a) To negotiate with the Federal, State, and local governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be approved by the Secretary of the Interior;

(c) To veto any sale, disposition, lease or encumbrance of Community lands, interests in lands, or other Community assets;

(d) To be advised of and to make recommendations upon all appropriations estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior;

(f) To make and enforce rules and regulations, subject to the approval of the Secretary of the Interior, governing the manner of making, holding, and revoking assignments of Community land or interests therein.

(g) To make and enforce rules and regulations governing the preservation of the wild-life and natural resources of the Community; and providing for the exclusion of persons coming within the territorial jurisdiction of the Community for the purpose of fishing, hunting and harvesting wild rice, who are not legally entitled to do so.

(h) To charter subordinate organizations for economic purposes and to regulate the activities of such organizations by ordinances which shall be subject to approval by the Secretary of the Interior, and to delegate to such organizations, or to any subordinate boards or officials of the Community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(i) To adopt resolutions not inconsistent with this Constitution and By-laws regulating the procedure of the Tribal Council itself and of other agencies, officials and organizations of the Community.

(j) A general election on any matter of interest to the tribe as a whole shall be held upon a petition therefor signed by at least 50 per cent of the members of the tribe.

SEC. 2. Future Powers.—The Tribal Council may exercise such further powers as may in the future be delegated to the Council by members of the Community, or by the Secretary of the Interior, or any other duly authorized official or agency of the State of Federal Government.

SEC. 3. Reserve Powers.—Any rights and powers heretofore vested in the Mole Lake Band of Chippewa Indians but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Sokaogon Chippewa Community through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VIII — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community at an election called for that purpose by the Secretary of the Interior: Provided, That at least 30 per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a petition submitted by the Tribal Council, signed by not less than one-third of the resident qualified voters of the Community.

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BY-LAWS OF THE SOKAOGON CHIPPEWA COMMUNITY

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Duties of the Chairman.—It shall be the duty of the Chairman to preside at all Council meetings; to perform the duties generally assigned to the position of chairman and to promote the interests and general welfare of the Community.

The Chairman shall countersign all checks drawn against the funds of the Community by the Treasurer.

SEC. 2. Duties of the Vice-Chairman.--The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. Duties of the Secretary.--It shall be the duty of the Secretary to handle all correspondence and keep a correct record of the minutes of all Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Council and to perform such other duties as the Council may request.

SEC. 4. Duties of the Treasurer.--The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be Community funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall designate and shall make and preserve a faithful record of such funds and shall report on all receipts and disbursements and the amount and nature of all funds in his possession or custody at each regular meeting of the Council and such other time as requested.

He shall not pay out or otherwise disburse any funds in his possession or custody, except as authorized by resolution, duly enacted by the Council.

The Treasurer shall be required to give a bond satisfactory to the Tribal Council and the Commissioner of Indian Affairs.

ARTICLE II -- MEETINGS

The Tribal Council shall meet semi-annually with members of the Community on the first Saturday of May and November and at such other times as the Council may provide by resolution. The Tribal Council is further authorized to hold such other meetings as may be provided by resolution, at which members of the Community may be auditors, except executive sessions of the Council.

ARTICLE III -- RATIFICATION

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Mole Lake Band of Chippewa Indians voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Assistant Secretary of the Interior for his approval, and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved August 25, 1938, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Mole Lake Band of Chippewa Indians and was on October 8, 1938, duly adopted by a vote of 61 for, and 1 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 15, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WILLARD L. ACKLEY,
Chairman of Election Board.

JAMES B. POLER,
Secretary of Election Board.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

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I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Mole Lake Band of Chippewa Indians, Wisconsin.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended: November 3, 1938.

WILLIAM ZIMMERMAN, JR.
Acting Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C., November 9, 1938.

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CORPORATE CHARTER OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN OF THE ONEIDA RESERVATION

Ratified May 1, 1937

Whereas, the Oneida Tribe of Indians of the Oneida Reservation in Wisconsin is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on November 14, 1936, and approved by the Secretary of the Interior on December 21, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a Charter of incorporation be granted to such Tribe subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Oneida Tribe of Indians of the Oneida Reservation to be effective from and after such time as it may be ratified by a majority vote in an election in which at least 30 per cent of the adult Indians living on the Reservation shall vote.

1. Corporate Existence. In order to further the economic development of the Oneida Tribe of Indians of the Oneida Reservation in Wisconsin by conferring upon said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Oneida Tribe of Indians of Wisconsin."

2. Perpetual Succession. The Oneida Tribe of Indians of Wisconsin, shall as a Federal Corporation, have perpetual succession.

3. Membership. The Oneida Tribe of Indians of Wisconsin shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The General Tribal Council of the Oneida Tribe of Indians of Wisconsin established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage, except to the United States, may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Oneida Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Oneida Reservation.

(3) Leases or permits (which terms shall not include land assignments to members of the Tribe) may be made to members of the Tribe, on any land now or hereafter owned by the Tribe, for a term of one year, without the approval of the Secretary of the Interior; timber sale contracts and leases may be made for a term not to exceed ten years, subject to the approval of the Secretary of the Interior or his duly authorized representative: Provided, That oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods than ten years, when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber or other natural resources of the Oneida Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable in the discretion of the Secretary of the Interior.

(5) No distribution of corporate property to members shall be made except out of net income.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, or from any other source, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $5,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Wisconsin including agreements with the State of Wisconsin for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $1,000 in any one year shall be subject to the approval of the Secretary of the Interior.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That any such assignment of tribal income, other than an assignment to the United States, shall not extend more than 5 years from the date of execution: Provided further, That no such assignment of tribal income shall exceed one-half the net income of the Tribe from any one source; And provided further, That any such pledges or assignments shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the General Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) 3, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 9 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the Reservation shall vote. If at any time after 5 years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior, or by the General Tribal Council, to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the elibible voters, it shall be effective.

7. Corporate Property. No property rights of the Oneida Tribe of Indians of Wisconsin as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The in-

dividually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Reserve Fund. Forty per cent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not less than 25 per cent of the capital investment in such corporate enterprises. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

9. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Tribe in the corporate assets of the Tribe and may make a dividend distribution among such members of profits of corporate enterprises over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

10. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council as provided in the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin.

11. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

12. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Oneida Tribe of Indians of Wisconsin living on the Oneida Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tomah Indian Agency and the Chairman of the Executive Committee of the General Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Oneida Tribe of Indians of Wisconsin of the Oneida Reservation in a popular referendum to be held on May 1, 1937.

CHARLES WEST,
Acting Secretary of the Interior.
[SEAL]

Washington, D.C., April 14, 1937.

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 14, 1937, by the Secretary of the Interior to the Oneida Tribe of Indians of Wisconsin was duly submitted for ratification to the adult Indians living on the reservation and was on May 1, 1937, duly ratified by a vote of 349 for and none against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

MORRIS WHEELOCK,
Chairman of the Executive Committee of
the General Tribal Council.

FRANK CHRISTY,
Superintendent of the Tomah Agency.

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[OLD] CONSTITUTION AND BY-LAWS FOR THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

Approved December 21, 1936

PREAMBLE

We, the people of the Oneida Tribe of Indians of Wisconsin, grateful to Almighty God for his fostering care, in order to reestablish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution.

ARTICLE I — TERRITORY

The jurisdiction of the Oneida Tribe of Wisconsin shall extend to the territory within the present confines of the Oneida Reservation and to such other lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Oneida Tribe of Wisconsin shall consist of:

(a) All persons of Indian blood whose names appear on the official annuity roll of the Tribe as of October 7, 1935.

(b) Any descendant of a member of the Tribe who is of at least one-quarter Indian blood, provided such member is a resident of the Reservation at the time of the birth of the said descendant.

SEC. 2. The General Tribal Council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior covering future membership and the adoption of new members.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Oneida Tribe of Wisconsin shall be the General Tribal Council which shall be composed of all the qualified voters of the Oneida Reservation.

SEC. 2. All enrolled members of the Oneida Tribe of Wisconsin who are twenty-one years of age or over, and who have maintained continuous residence on the Oneida Reservation of not less than thirty (30) days, immediately preceding an election, shall be qualified voters, provided they shall present themselves in person at the polls on the day of election.

SEC. 3. The General Tribal Council shall elect from its own members of secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and such other officers and committees as may be deemed necessary.

SEC. 4. The General Tribal Council shall meet on the first Monday of January and July. Within thirty days after the ratification and approval of this Constitution and By-laws, a General Tribal Council shall be called by the present Tribal Council for the purpose of electing the officers named herein, and it shall transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting. The chairman, or twenty-five (25) per cent of the qualified voters, may by written notice, call special meetings of the General Tribal Council.

One-third (1/3) of the qualified voters of the Tribe shall constitute a quorum at any special or regular meeting.

SEC. 5. There shall be an executive committee, consisting of the chairman, vice-chairman, secretary, and treasurer of the General Tribal Council, which shall perform such duties as may be authorized by that Council.

ARTICLE IV — POWERS OF THE GENERAL TRIBAL COUNCIL

SECTION 1. Enumerated Powers.—The General Tribal Council of the Oneida Tribe of Wisconsin shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Tribe of Wisconsin prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Oneida Tribe of Wisconsin in accordance with the terms of a Charter that may be issued to the tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Oneida Tribe of Wisconsin, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the tribe of persons not so licensed and establishing proper agencies for law enforcement upon the Oneida Reservation.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and the attached

By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Oneida Reservation.

SEC. 2. Future Powers.—The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers.—Any rights and powers heretofore vested in the Oneida Tribe of Indians of Wisconsin but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Oneida Tribe of Wisconsin through the adoption of appropriate By-laws and constitutional amendments.

SEC. 4. Manner of Review.—Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third (1/3) of the qualified voters of the Tribe.

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BY-LAWS OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of Council.—The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

SEC. 2. Vice-Chairman of the Council.—The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. Secretary of the Council.—The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

SEC. 4. Treasurer of Council.—The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the executive committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

SEC. 5. Appointive Officers.—The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Council, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

ARTICLE II — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and these By-laws, when adopted by a majority vote of the voters of the Oneida Tribe of Indians of Wisconsin voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

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CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 14, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the members of the Oneida Indian Tribe of the Oneida Reservation and were on November 14, 1936, duly adopted by a vote of 790 for and 16 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

MORRIS WHEELOCK,
Chairman of Election Board.

FRANK CHRISTY,
Superintendent.

KATIE CORNELIUS,
Secretary of Election Board.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the Oneida Tribe of Indians of Wisconsin.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 16, 1936.

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., December 21, 1936.

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AMENDMENTS — CONSTITUTION AND BY-LAWS FOR THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

AMENDMENT 1.

That Section 3 of Article III, of the Constitution be changed by substituting the words, "The qualified voters of the Oneida Tribe of Indians of Wisconsin shall elect from among the qualified voters of the tribe" for the present words, "The General Tribal Council shall elect from its own members".

AMENDMENT 2.

That an additional paragraph be added to Section 3 of Article III, as follows:

"The General Tribal Council shall enact necessary rules and regulations governing the election of tribal officials."

AMENDMENT 3.

That the sentence in the first paragraph of Section 4, Article III, reading, "Thereafter, officials shall be chosen at the July meeting" be changed to read,"Thereafter, officials shall be elected annually in July on a date to be set by the General Tribal Council."

AMENDMENT 4.

That the second paragraph of Section 4, Article III, reading: "One-third (1/3) of the qualified voters of the Tribe shall constitute a quorum at any special or regular meeting," be changed to read as follows:

"Fifty qualified voters of the Tribe shall constitute a quorum at any regular or special meeting of the General Tribal Council."

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 13, 1939, by the Assistant Secretary of the Interior, the attached Amendments to the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin were submitted for ratification to the qualified voters of the Tribe, and were on June 3, 1939, duly adopted by a vote as follows: Amendment 1, 246 for, and 10 against; Amendment 2, 241 for, and 11 against; Amendment 3, 246 for, and 8 against; Amendment 4, 218 for, and 36against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

DAVID O. SKENANDORE
Chairman of Election Board

LYDIA POWLESS
Secretary of Election Board

PERU FARVER,
Superintendent, Tomah School.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments to the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin.

Approval recommended: June 10, 1939.

FRED H. DAIKER,
Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN
Assistant Secretary of the
Interior
[SEAL]

Washington, D.C., June 15, 1939.

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REVISED CONSTITUTION AND BY-LAWS OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

[Norbert S. Hill, Chairman of the Oneida Tribe, in a personal communication to the editor, stated: "In recent years we have made two attempts to amend our Constitution and By-Laws. There seemed to be too much red tape, and both times we failed. The law, however, is being changed to make amending a Tribal Constitution and By-Laws possible." The following material then is the new "Proposed" Revised Constitution and By-Laws of the Oneida Tribe, sent by Mr. E. J. Riley, Superintendent of the Great Lakes Agency, Ashland, Wisconsin.]

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We, the people of the Oneida Tribe of Indians of Wisconsin, grateful to the Almighty God for His fostering care, in order to re-establish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Revised Constitution.

ARTICLE I - TERRITORY

The territory of the Oneida Tribe of Indians of Wisconsin shall extend to all tribal land within the Oneida Reservation in Wisconsin and any other lands that may be acquired by or on behalf of said tribe, except as may otherwise be provided by State or Federal Law. The tribe may exercise such jurisdiction that is not in conflict with applicable Federal or State Law.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Oneida Tribe of Indians of Wisconsin shall consist of:

(a) All persons of Indian blood whose names appear on the official annuity roll of the tribe as of October 7, 1935.

(b) Any lineal descendant of a member whose name appears on the official annuity roll of October 7, 1935, whose membership has been approved prior to effective date of this Revised Constitution, provided that said descendant is of at least 1/4 degree Indian blood and is not enrolled with another tribe.

(c) Any person gaining membership after the effective date of this Revised Constitution through ordinance enacted under Section 4 of this Article.

Section 2. The foregoing persons shall constitute the General Tribal Council of the Oneida Tribe of Indians of Wisconsin.

Sec. 3. Any person who has been rejected for enrollment as a member of the tribe shall have the right of appeal to the Secretary of the Interior, whose decision shall be final.

Sec. 4. The Executive Council shall enact ordinances subject to review by the Secretary of the Interior covering future membership and adoption of new members. Such ordinance shall include the provision that only persons of at least 1/4 degree Indian blood be granted membership.

The Executive Council shall have the power to enact ordinances, subject to review by the Secretary of the Interior, covering loss of membership.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Oneida Tribe of Indians of Wisconsin shall be the Executive Council which shall be composed of a Chairman, Vice-Chairman, Treasurer and six (6) Councilmen elected by secret ballot.

Sec. 2. Any member of the Oneida Tribe of Indians of Wisconsin residing in Brown or Outagamie County is eligible to be elected to the Executive Council, provided that he is 21 years of age or over on the date of the election, and further provided that no member may run for more than one office in any election.

Sec. 3. All enrolled members of the Oneida Tribe of Indians of Wisconsin, who are 21 years of age or over, shall be qualified voters in all elections of members of the Executive Council, provided they shall present themselves in person at the polls on the day of election.

Sec. 4. At the election of the first Executive Council, the two candidates for councilmen receiving the highest number of votes and the Chairman shall be elected for a term of three years; the two candidates for councilmen receiving the next highest number of votes and the Treasurer shall be elected for a term of two years; and the two candidates for councilmen receiving the next highest number of votes and the Vice-Chairman shall be elected for a term of one year. Their successors shall be elected in succeeding elections for terms of three years. All members of the Executive Council shall serve until their successors are elected and installed. An incumbent officer or councilman shall not be barred from running for office in the subsequent election, provided he tenders his resignation at least 60 days before the election date, effective the date of installation of new councilmen.

Sec. 5. The Secretary shall be selected by the Executive Council from within or without the membership of the Executive Council and shall serve for a term to be fixed by the Executive Council. The Secretary shall have no vote unless he is a member of the Executive Council.

Sec. 6. Such other officers and committees as the Executive Council deems necessary shall be appointed by the Executive Council from among its membership, when possible, without additional compensation, unless deemed necessary or proper by the Executive Council.

Sec. 7. The Executive Council, by a vote of five of its members, may remove an Executive Council member for neglect of duty, or gross misconduct, after giving such member notice of the charge and an opportunity to speak in his own defense. Neglect of duty shall include, but not be limited to, successive absences from three regular Executive Council meetings without an excuse acceptable to the Executive Council. Gross misconduct shall include, but not be limited to, a conviction in any court of a felony.

Sec. 8. The Executive Council by a favorable vote of five of its members shall select a person to fill a vacancy on the Executive Council until the next tribal election when the qualified voters of the General Tribal Council shall elect a councilman to serve for the duration of the unexpired term.

Sec. 9. Any five members of the Executive Council shall constitute a quorum for transacting business. All business shall be determined by majority vote except as otherwise provided in this Revised Constitution and By-laws.

ARTICLE IV - ELECTIONS

Section 1. Eligible candidates desiring to become members of the Executive Council shall file with the Secretary of the Executive Council notice of intent to run for office at least 30 days before the election date. The Secretary shall post a list of eligible candidates at least 20 days before the election, provided, however, that at the first election such notice of intent to run for office shall be filed with the Secretary of the present Executive Committee at least 10 days before the election, and said Executive Secretary shall post a list of eligible candidates in three public places at least five days before the election date.

Sec. 2. The first election of the Executive Council under this Revised Constitution shall be called, held and supervised by an Election Board appointed by the present Executive Committee within 60 days after ratification and approval of this Constitution. The Executive Council so elected shall take office immediately and hold office until successors have been elected and installed. Upon installation, the Executive Council shall dispose of ties for vacancies in its membership by secret ballot.

Sec. 3. The time and procedure for conducting tribal elections after the first tribal election shall be stated in an ordinance passed by the Executive Council, provided that tribal elections shall be held every year in the month of June.

ARTICLE V - REFERENDUM

Section 1. Upon a petition signed by at least 100 members of the tribe, 21 years of age or over, or upon the request of the majority of the members of the Executive Council any proposed ordinance or resolution shall be submitted to a referendum of qualified voters of the tribe, provided that such petition is submitted within 60 days from the date of enactment of said ordinance or resolution.

Sec. 2. After receipt of the petition, the Executive Council shall call a referendum and prescribe the manner of conducting the vote. Such election shall be held within 60 days from the receipt of the petition. If the Executive Councils fails to call and/or hold such a referendum within the prescribed time limit, the Superintendent of the Agency shall call and/or hold such referendum.

Sec. 3. The majority of votes cast in such referendum shall be conclusive and binding on the Executive Council and if an ordinance or resolution is rejected by such vote, such ordinance or resolution shall be null and void as of the date of the referendum and shall not be reconsidered for a period of at least one year.

Sec. 4. The Executive Council shall prescribe the voter qualifications for referendums, but in no event shall they be restricted beyond the provisions of Article III, Section 3.

ARTICLE VI - POWERS OF THE EXECUTIVE COUNCIL

Section 1. The Executive Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State or local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, or other tribal assets.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Tribe of Indians of Wisconsin prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To administer funds within the control of the tribe, provided, however, that no expenditure shall be more or obligation incurred in excess of $5,000, unless the same shall have been approved by the qualified voters of the General Tribal Council.

(f) To engage in any business that will further the social and economic well-being of members of the tribe or undertake any programs or projects designed for the economic advancement of the people.

(g) To borrow money from the Federal Government or any other source and to direct the use of such funds for productive purposes or to loan money thus borrowed to members of the tribe, with the approval of the Secretary of the Interior. To pledge or assign chattell or future income due or to become due, provided such a pledge, assignment or extension thereof shall be subject to the approval of the Secretary of the Interior.

(h) To make and perform contracts and agreements of every description, not inconsistent with law or with any provision of this Revised Constitution, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Wisconsin for the rendition of public services, provided that any contract involving payment of money by the tribe in excess of $1,000 in any one year shall be subject to the approval of the Secretary of the Interior.

(i) To enact ordinances, subject to review by the Secretary of the Interior, providing for the manner of making, holding and revoking assignments of tribal land or interests therein.

(j) As authorized by law, to manage, lease, permit or otherwise deal with tribal lands, interests in lands or other tribal assets, and to purchase lands or otherwise acquire lands, or interests in land, within or without the reservation, provided that tribal lands shall not be sold.

(k) To establish subordinate organizations and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(l) To adopt ordinances or resolutions not inconsistent with this Revised Constitution and By-laws, regulating the procedure of the Executive Council itself and of other tribal agencies, tribal officials or tribal organizations of the Oneida Tribe of Indians of Wisconsin.

Sec. 2. The Executive Council may exercise such further powers as may in the future be delegated to the Executive Council by the Secretary of the Interior or any other duly authorized official or agency of the State of Federal Government.

Sec. 3. Any rights and powers heretofore vested in the Oneida Tribe of Indians of Wisconsin, but not expressly referred to in this Revised Constitution, shall not be abridged by this Article, but may be exercised by the people of the Oneida Tribe of Indians of Wisconsin through the adoption of appropriate amendments to the Revised Constitution and By-laws.

Sec. 4. Any ordinance or resolution which by the terms of this Revised Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Agency, who shall, within ten days after receipt, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of receipt, rescind the said ordinance or resolution for any cause, by notifying the Executive Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, he shall, within 10 days after its receipt, advise the Executive Council of his reasons therefor. If these reasons appear to the Executive Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from the date of its receipt, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII - AMENDMENTS

This Revised Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting in an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election. No amendment shall become effective until approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon request of a majority vote of the Executive Council, or upon petition of at least 100 qualified voters of the tribe. Voter qualifications for such an election shall be the same as for a tribal election, except that absentee voting will be permitted in accordance with regulations of the Secretary of the Interior.

ARTICLE VIII - RESCISSION OF FORMER ORDINANCES

All ordinances or resolutions heretofore adopted, which are inconsistent with this Revised Constitution and By-laws, are rescinded.

ARTICLE IX - RIGHTS OF MEMBERS

All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the tribe. All members of the tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.

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BY-LAWS OF THE ONEIDA
TRIBE OF INDIANS OF WISCONSIN

ARTICLE I - DUTIES OF OFFICERS

Section 1. Chairman. The Chairman of the Executive Council shall preside over all meetings of the General Tribal Council and the Executive Council, and shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the General Tribal Council and/or the Executive Council. It shall be the duty of the Chairman to countersign all checks drawn against the funds of the tribe.

Sec. 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties, as well as the responsibilities, of the Chairman.

Sec. 3. Treasurer. The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the General Tribal Council and/or the Executive Council, whether they be tribal funds or special funds for which the General Tribal Council and/or the Executive Council is acting as trustee or custodian. He shall deposit allfunds in such depository as the Executive Council shall direct, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the General Tribal Council, and at such other times as requested by the General Tribal Council and/or the Executive Council.

He shall not pay out or disburse any tribal funds in his possession or custody, except in accordance with a resolution duly passed by the Executive Council.

The Treasurer shall be required to give a bond satisfactory to the Executive Council and the Commissioner of Indian Affairs.

An audit of accounts shall be made once each year and at such other times as the Executive Council or the Commissioner of Indian Affairs may require. The Executive Council shall prescribe the manner of conducting the annual audit.

Sec. 4. Secretary. The Secretary shall conduct all tribal correspondence, and shall keep an accurate record of all matters transacted at General Tribal Council and Executive Council meetings. It shall be his duty to submit to the Superintendent of the Agency, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the General Tribal Council and the Executive Council.

Sec. 5. Appointive Officers and Committees. The duties of all appointive boards, committees or officers shall be clearly defined by resolution of the Executive Council at the time of their creation or appointment. Such boards, committees or officers shall report from time to time, as required, to the Executive Council, and their activities and decisions shall be subject to review by the Executive Council upon the petition of any person aggrieved.

ARTICLE II - MEETINGS

Time and procedure for General Tribal Council meetings and Executive Council meetings shall be stated in ordinances passed by the Executive Council, provided that General Tribal Council meetings are held each January and July.

ARTICLE III - RATIFICATION OF CONSTITUTION AND BY-LAWS

This Revised Constitution and By-laws, when adopted by a majority vote of the qualified voters of the tribe voting in an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of such approval.

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CODIFICATION OF THE CONSTITUTION AND BY-LAWS OR RULES OF THE MENOMINEE INDIAN TRIBE, ADVISORY AND GENERAL COUNCILS

References in this Code to the Constitution and By-Laws are to the Constitution and By-Laws governing the election and duties of an Advisory Council of the Menominee Indians and of the General Council as amended by the Tribal Council and approved by the Secretary of the Interior or the Commissioner of Indian Affairs on February 11, 1938, September 22, 1934.

SEC. 1. ADVISORY COUNCIL, DISTRICTS, SELECTION OF COUNCILMEN. A committee of the Menominee Indians to be known as the 'Menominee Advisory Council of the Menominee Indian Reservation' shall be selected consisting of twelve (12) enrolled adult members of the Menominee Indian Tribe, one (1) each to be elected foom Districts I, II, III, IV, V, and the Zoar Area, to be known hereafter as District VI. (As amended, and approved by the Acting Commissioner of Indian Affairs on October 9, 1950.)

SEC. 2. ELECTION DISTRICTS AND ELECTORS THEREIN. The Menominee Reservation shall be divided into six (6) election districts, such division to be effected by the Advisory Council except that the Zoar Area shall always constitute one district. Each district shall consist of not less than 250 tribal members, except that District VI (Zoar Area) may consist of a smaller number. (As amended and approved by the Acting Commissioner of Indian Affairs on October 9, 1950.)

SEC. 3. NUMBER OF COUNCILMEN AND METHOD OF SELECTION. There shall be elected by the qualified voters living therein one (1) councilman from each of the six (6) districts and six (6) councilman from the Tribe at large by the qualified voters of the entire Tribe. (As amended, and approved by the Acting Commissioner of Indian Affairs on October 9, 1950.)

SEC. 4. CANDIDATE FOR COUNCIL, TIME FOR FILING. The twelve (12) members of the Advisory Council are to be elected by the adult members of the Tribe as provided for in SEC. 3 of this Code, in the manner hereinafter described: All qualified, enrolled members of the Tribe desiring to be candidates shall not less than ten (10) days preceding election day file their names in the office of the Superintendent of the Reservation, supported by a petition signed by not less than twenty-five (25) qualified voters of the Tribe. (Source of this section is paragraph 2 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 5. PREPARATION OF BALLOT. The superintendent shall prepare a ballot containing the names of all the candidates whose names have been filed as prescribed in SEC. 4 of this Code. (Source of this section is paragraph 2 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 6 ELECTION, DATE THEREOF. Election day shall be held on the Tuesday following the first Monday in November and shall be advertised properly for not less than thirty (30) days prior thereto. (Source of this section is paragraph 2 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 7. ELECTION BOARD, ITS FUNCTIONS. The election board shall consist of an inspector, clerk, and ballot clerk, all of whom shall be selected by the bystanders at the polls located within each of the several election districts at the time designated for the opening of the polls. The inspector, clerk, and ballot clerk, after their selection, shall immediately declare the polls open. The time for opening the polls shall be 9:30 A.M. and the polls shall remain open until 5 P.M. Each voter shall obtain from the ballot clerk an official ballot which shall bear the endorsement of the ballot clerk. The voter shall promptly mark his choice from the list of candidates and deliver the ballot to the inspector who shall deposit same in the ballot box and announce to the clerk the name of the voter. The clerk shall immediately write the name of the voter on the polling list. In case any voter is not able to prepare his ballot, he may call upon any member of the election board to assist him. (Source of this section is paragraph 2 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 8. CLOSING OF POLLS AND COUNTING OF BALLOTS. Immediately after the closing of the polls at 5 P.M. the ballot box of each district shall be opened by the election officers and the ballots counted. The ballots and tally sheets shall then be delivered by the election officers to the Superintendent of the Reservation. (Source of this section is paragraph 2 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 9. CANVASSING BOARD AND ITS DECISION. The Superintendent and the two judges of the Indian Court of the Menominee Reservation shall constitute the canvassing board. The six (6) at large candidates and each District Candidate receiving the highest number of votes shall be declared elected. (Source of this section is paragraph 2 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 10. ELECTED MEMBERS TO TAKE OFFICE. The twelve (12) candidates declared elected by the Canvassing Board (SEC. 9 of this Code) shall take office on the 30th day of November or as soon thereafter as practicable following their election and shall hold office for two (2) years and until their successors are elected or chosen and qualify. (Source of this section is paragraph 3 of the Constitution and By-laws and paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 11. FILLING VACANCIES. Should any vacancies arise in the Advisory Council by death, resignation, or otherwise of any of its members, said vacancies shall be filled by the General Council. (Source of this section is paragraph 4 of the Constitution and By-laws.)

SEC. 12. OATH OF OFFICE. Before entering upon duty each member of the Advisory Council shall subscribe, in the presence of the Superintendent of the Reservation, to the following oath: "I, (name), do solemnly swear that I will support and defend the Constitution of the United States of America, and faithfully execute the office to which I have been elected." (Source of this section is paragraph 5 of the Constitution and By-laws.)

SEC. 13. ORGANIZATION OF COUNCIL AND ELECTION OF ADVISORY COUNCIL'S OFFICERS. At the first regular meeting to be held by the Advisory Council after its election it shall select from its members a President and a Secretary. (Source of this section is paragraph 6 of the Constitution and By-laws.)

SEC 14. DUTIES OF PRESIDENT AND SECRETARY. The President's duties shall be to preside at all meetings when present. He shall devote his full time to tribal matters. His salary shall be $2400 per annum. The Secretary's duties shall be to keep a record of all proceedings and file a certified copy of same in the office of the Superintendent within ten (10) days after each meeting. In the absence of either the President or Secretary, the Advisory Council shall elect a President or Secretary, pro tem. (Source of this section is paragraph 6 of the Constitution and By-laws, the Act of Congress of July 12, 1943, (57 Stat. 469) as supplemented or amended, and the approval of the General Council of June 24, 1944, of the Council's budget approved by the Commissioner of September 11, 1944.)

SEC. 15. QUORUM ADVISORY COUNCIL. No business shall be transacted without the presence of a quorum which shall consist of the majority of the members (12 members) of the Advisory Council. (Source of this section is paragraph 6 of the Constitution and By-laws.)

SEC 16. APPROVAL OF ADVISORY COUNCIL'S MINUTES. The minutes of the Advisory Council shall be signed by the President and Secretary and at least three (3) other members of the Council. (Source of this section is paragraph 6 of the Constitution and By-laws.)

SEC 17. REGULAR AND SPECIAL MEETINGS. As soon as practicable after an Advisory Council has been elected, it shall hold its first meeting. In case of exigency, the President of the Advisory Council may call a special meeting of the Council upon a request in writing by a majority of its members. (Source of this section is paragraph 7 of the Constitution and By-laws, as amended by paragraph 7 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 18. PLACE OF MEETINGS AND TIME LIMITATION. All meetings of the Advisory Council shall be held in Keshena or Neopit in the discretion of the Council. Effective as of January 1, 1951, the Advisory Council shall meet regularly once each month and may hold as many special meetings as may be necessary to conduct tribal business. (As amended, and approved by the Commissioner of Indian Affairs on June 24, 1952.)

SEC 19. ADVISORY COUNCIL'S DUTIES AND RESPONSIBILITIES. The Adivsory Council shall be the representatives of the Menominee Tribe of Indians in all matters affecting the welfare and business of the Tribe, including the conduct of the logging and milling operations on the Reservation. It shall be the duty of the Advisory Council to consider all matters brought to its attention by the members of the Tribe or by the Superintendent or that may arise through its own investigation. (Source of this section is paragraph 8 of the Constitution and By-laws and paragraph 3 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC 20. COUNCIL SHALL MAKE RECOMMENDATIONS TO SUPERINTENDENT. The Advisory Council shall submit to the Superintendent of the Reservation for appropriate action such recommendations as it has to make. (Source of this section is paragraph 8 of the Constitution and By-laws and paragraph 3 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC 21. COUNCIL MAY APPEAL TO COMMISSIONER. If the Superintendent fails to take the satisfactory action on recommendations of the Advisory Council this Council may appeal to the Commissioner of Indian Affairs, through the Superintendent of the Reservation. If the Superintendent of the Reservation fails or refuses to submit such an appeal to the Commissioner, the Council may communicate directly with the Commissioner of Indian Affairs. (Source of this section is paragraph 8 of the Constitution and By-laws and paragraph 3 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 22. COUNCIL TO ACT FOR TRIBE WHEN GENERAL COUNCIL NOT IN SESSION. The Advisory Council shall, during the period the General Council is not in session, transact business of the Tribe and any action properly taken by the Advisory Council shall be binding upon the Tribe until repealed. (Source of this section is paragraph 8 of the Constitution and By-laws and paragraph 3 of the Regulations adopted by the Tribe, December 13, 1941, as amended October 17, 1942.)

SEC. 23. GENERAL COUNCIL MAY REPEAL ACTIONS OF ADVISORY COUNCIL. The General Council duly assembled for that purpose may repeal any action taken by the Advisory Council. (Source of this section is paragraph 8 of the Constitution and By-laws and paragraph 3 of the Regulations adopted by the Tribe, December 13, 1941, and amnded October 17, 1942.)

SEC 24. COMPENSATION OF MEMBERS OF ADVISORY COUNCIL. Each member of the Advisory Council, except the President, shall receive as compensation for the services $8.00 for each day's attendance at the regular and special meetings. No compensation shall be paid for more than fifteen (15) days in any one year. Compensation to the members of the Advisory Council shall be paid by check drawn by the Superintendent of the Reservation from tribal funds applicable. (Source of this section is paragraph 9 of the Constitution and By-laws as superseded and amended by General Council action on June 24, 1944, as approved by the Commissioner of Indian Affairs September 11, 1944, pursuant to the Act of Congress of July 12, 1943 (57 Stat. 469) as supplemented or amended.)

GENERAL COUNCIL

SEC 25. GENERAL COUNCIL MEETINGS, NUMBER THEREOF. There shall be held two (2) regular General Councils and as many special General Councils as the occasion demands in any calendar year. The dates of the general and special Councils shall be determined and fixed by the Advisory Council with the approval of the Superintendent. At least one (1) Council, general or special, shall be held in each six (6) month's period of the calendar year. (Source of this section is paragraph 1 of Regulations adopted by the Tribe, December 13, 1941.)

SEC 26. QUORUM GENERAL COUNCIL. A meeting of the General Council shall not be recognized as such unless there shall be present at the time of the meeting and when any action is to be taken at least seventy-five (75) enrolled, adult members of the Menominee Indian Tribe who are eligible to vote. It shall be the duty of the Chairman of the General Council, prior to any vote being taken on any questions pending before the General Council, to ascertain and determine whether a quorum is present. In the absence of the quorum no business shall be transacted. (Source of this section is paragraph 2 of the Regulations adopted December 13, 1941, as amended June 19, 1943.)

SEC. 27. NOTICE AND POSTING OF GENERAL COUNCIL MEETINGS. Notices of all meetings, general or special, of the General Council shall be published at least ten

(10) days preceding the date of the meeting of the "Menominee (Minutes) News", the tribal newspaper and by placing copies of such notice on the bulletin boards at the Keshena Agency, the office of the Menominee Indian Mills, the Post Offices at Keshena and Neopit, at the punch clocks at the sawmills, planning mill, and the yard, at the South Branch Range Station, the bulletin boards of the community centers at Zoar and West Branch and such other places as may be determined upon by the General Council from time to time. (Source of this section is paragraph 5 of the Regulations adopted December 13, 1941.)

SEC. 28. NOTICE OF BUSINESS TO BE TRANSACTED. Notices of General Council meetings, in addition to containing the date, the time and the place of the meeting, shall list in numerical order the business to come before the meeting and no business not so listed shall be transacted before the meeting of the Council. (Source of this section is paragraph 5 of the Regulations adopted December 13, 1941.)

SEC. 29. PREPARATION OF NOTICES. The notices of all meetings of the General Council shall be prepared by the Superintendent of the Reservation. (Source of this section is paragraph of the Regulations adopted December 13, 1941.)

SEC. 30. ITEMS TO BE INCLUDED IN NOTICES, BY WHOM SUBMITTED. Notices of meetings of General Council shall include all items requested by (1) the Advisory Council, (2)(Manager of the Menominee Indians Mills), the Superintendent of the Menominee Reservation, (3) any petition duly signed by two hundred and fifty (250) qualified voters of the Menominee Tribe, and (4) may include such other items as the Superintendent desires to present to the Tribe. Such requests shall be in writing and shall clearly state the nature of the business. They shall be dated and signed by the parties presenting the same and shall be presented to the Superintendent of the Menominee Reservation at least twenty-four (24) hours in advance of the publication of the notice of the particular general or special meeting of the General Council. (Source of this section is paragraph 6 of the Regulations adopted December 13, 1941.)

SEC. 31. RECOMMENDATIONS TO COMMISSIONER. The General Council may recommend to the Commissioner of Indian Affairs any changes in the regulations of this Code that may at any time in its judgment seem advisable. (Source of this section is paragraph 10 of the Constitution and By-laws.)

SEC. 32. CONSTRUCTION, REORGANIZATION ACT. The provisions of SECS. 1 to 31 of this Code shall not be construed as the adoption of any charter or constitution and by-laws under the Indian Reorganization Act. (Source of this section is paragraph 7 of Regulations adopted December 13, 1941.)

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CORPORATE CHARTER OF THE FOREST COUNTY POTAWATOMI COMMUNITY, WISCONSIN

Ratified October 30, 1937

Whereas, the Wisconsin Potawatomies residing in Forest County, Wisconsin, constitute a recognized Indian tribe organized as the Forest County Potawatomi Community under a constitution and by-laws ratified by the Tribe on November 14, 1936, and approved by the Secretary of the Interior on February 6, 1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to said tribe subject to ratification by a vote of the adult members of the Forest County Potawatomi Community;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984),do hereby issue and submit this charter of incorporation to the Forest County Potawatomi Community, Wisconsin, to be effective from and after such time as it may be ratified by a majority vote of the adult members residing on the lands reserved for the Wisconsin Potawatomies of Wisconsin.

1. Corporate Existence. In order to further the economic development of the members of the Forest County Potawatomi Community, Forest County, Wisconsin, by conferring upon said community certain rights, powers, privileges and immunities; and to provide for the proper exercise by the Community of various functions and responsibilities heretofore performed and assumed by the Department of the Interior, the aforesaid community is hereby chartered as a body politic and corporate of the United States of America under the corporate name "The Forest County Potawatomi Community."

2. Perpetual Succession. The Forest County Potawatomi Community shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Forest County Potawatomi Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved constitution and by-laws.

4. Management. The General Tribal Council of the Community established in accordance with the said constitution and by-laws of the Community shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and by-laws of the said community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Constitution and By-laws of the Community.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land, or interests in land, now or hereafter held by the Community.

(2) No mortgage may be made of any standing timber on any land now or hereafter held by the Community.

(3) Leases or permits (which terms shall not include land assignments to members of the Community) may be made to members of the Community on any land now or hereafter owned by the Community, for a term of one year; timber sale contracts and leases may be made for a term not to exceed ten years, subject to the approval of the Secretary of the Interior or his duly authorized representative: Provided, That oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods than ten years, when authorized by law.

(4) No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the Community timber or other natural resources. All leases, permits, and timber sale contracts relating to the use of community timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934. Conformity to such regulations shall be made a condition of any such lease, permits, or timber sale contract whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other source, and to use such funds directly for productive enterprises, or to loan money thus borrowed to individual members or associations of members of the Community.

(d) To engage in any business that will further the economic well-being of the members of the Community, or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter: Provided, That any contracts involving payment of money by the corporation in excess of $3,000 in any one year shall be effective only when approved by the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future income of the Community due or to become due: Provided, That assignments of income, other than assignments to the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net income from any one source: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. At any time after ten years from the effective date of this Charter, the General Tribal Council may request the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) 3, 5 (e), 5 (f), 5 (g), and Section 8 of this Charter. Upon approval of the Secretary of the Interior of such request the supervisory power in question shall be terminated forthwith. If such request shall be made and the Secretary of the Interior shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the General Tribal Council to popular referendum of the adult members of the Forest County Potawatomi Community and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Forest County Potawatomi Community as heretofore constituted shall be in any way impaired by anything contained in this Charter and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent.

8. Corporate Dividends. The Community may distribute per capita among its members, profits of corporate enterprises, over and above sums necessary to defray corporate obligations; and over and above all sums which may be devoted to the establishment of a reserve fund, the cost of public enterprises, the expenses of community government, the needs of charity, or other corporate purposes: Provided, That no such per capita distribution of profits shall be made without the approval of the Secretary of the Interior or his duly authorized representative. No distribution of the financial assets of the Community shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall show all credits, debts, pledges, and assignments and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective, when ratified by a majority vote of the adult members of the Forest County Potawatomi Community at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Forest County Potawatomi Community residing on lands reserved for the Wisconsin Potawatomies of Wisconsin pro-

vided at least 30 per cent of the eligible voters shall vote; such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the Chairman of the Council of the Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Forest County Potawatomi Community in a popular referendum to be held on October 30, 1937.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C., September 30, 1937.

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CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on September 30, 1937 by the Assistant Secretary of the Interior to the Forest County Potawatomi Community, Forest County, Wisconsin, was duly submitted for ratification to the adult members of the Community residing on lands reserved for the Wisconsin Potawatomies of Wisconsin and was on October 30, 1937, duly ratified by a vote of 58 for, and 6 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

HENRY SHAWANO,
Chairman, Council of the Community.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

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CONSTITUTION AND BY-LAWS OF THE FOREST COUNTY POTAWATOMI COMMUNITY, WISCONSIN

Approved February 6, 1937

PREAMBLE

We, the Wisconsin Potawatomies residing on lands reserved by the United States for Wisconsin Potawatomies in Forest County, Wisconsin, grateful to Almighty God for his fostering care, in order to re-establish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution for the Forest County Potawatomi Community.

ARTICLE I — TERRITORY

The jurisdiction of the Forest County Potawatomi Community shall embrace lands purchased by the United States for the occupancy and use of the Wisconsin Potawatomies residing in Wisconsin, and any additional lands bought by the Federal Government or the Community under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Forest County Potawatomi Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Wisconsin Potawatomies on file in the Indian Office, as of April 1, 1934, as supplemented to January 1, 1936, and who were residing on lands reserved by the United States for the Wisconsin Potawatomi in Forest County, Wisconsin, on the date of approval of this Constitution, and their descendants who were so residing at that time.

(b) All children of one-fourth (¼) or more Indian blood born to any member of the Community, provided such member is a resident of the Reservation at the time of birth of said children.

(c) All children of one-fourth (¼) or more Indian blood, both of whose parents are members of the Tribe.

SEC. 2. The General Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership, loss of membership, and the adoption of new members and to prepare within one year from the adoption of this Constitution, a revised roll of members of this organization to become official when approved by the General Tribal Council at an election called for that purpose, and by the Secretary of the Interior.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Forest County Potawatomi Community shall be the General Tribal Council which shall be composed of all qualified voters of the Community.

SEC. 2. Any enrolled member of the Community who is twenty-one (21) years of age or over shall be entitled to vote at any election at which he presents himself at the polls on election day during the official voting hours.

SEC. 3. The General Tribal Council shall elect from its male members who are twenty-five (25) years of age or over, by secret ballot, a Chairman; a Vice-Chairman; a Secretary; a Treasurer; and two councilmen, the six so elected to constitute the Executive Council, which shall exercise the powers and duties delegated to it by the General Council which reserves the right of review of the actions of the Executive Council.

SEC. 4. The General Tribal Council shall meet on the first Monday of April and November of each year. The annual election shall be held at the time of the November meeting.

SEC. 5. Within thirty days after the ratification and approval of this Constitution and By-laws, a general tribal council shall be called by the present Business Committee for the purpose of electing the officers named herein, and to transact such other business as may be necessary.

SEC. 6. The officers elected at the first election under this Constitution shall meet as soon as possible thereafter to determine by lot which three shall serve until the November election in 1937 and which three shall serve until the November election in 1938, and to organize for business.

SEC. 7. After the first election, the annual election shall be held at the November meeting of the General Tribal Council, at which time successors to those whose terms of office expire at that time shall be elected for a term of two (2) years.

SEC. 8. The Chairman of the Executive Council, or any ten qualified voters may,by written notice posted at least ten days in advance of the meeting, call a special meeting of the General Tribal Council.

SEC. 9. One-third of the resident qualified voters of the Community shall constitute a quorum at any regular or special meeting of the General Tribal Council.

SEC 10. The present Business Committee shall provide the regulations for nominations and the conduct of the first election, and thereafter the Executive Council shall make such provision for all elections.

ARTICLE IV — REFERENDUM

Upon a petition of at least thirty percent of the resident eligible voters of the Forest County Potawatomi Community, any enacted or proposed ordinance, resolution or other regulative act of the Executive Council shall be submitted to a referendum of the resident qualified voters.

ARTICLE V — POWERS OF THE GENERAL TRIBAL COUNCIL

SECTION 1. Enumerated Powers.—The General Tribal Council of the Forest County Potawatomi Community shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local Governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the Community;

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Forest County Potawatomi Community, prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Forest County Potawatomi Community in accordance with the terms of a Charter that may be issued to the Community by the Secretary of the Interior;

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Community, providing for the manner of making, holding, and revoking assignments of Community land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the Reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community of persons not so licensed and establishing proper agencies for law enforcement upon the territory embraced in the jurisdiction of this Constitution.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;

(h) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Forest County Potawatomi Community.

SEC. 2. Future Powers.—The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by any member of the Community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers.—Any rights and powers heretofore vested in the Wisconsin Potawatomies residing on the land reserved for Wisconsin Potawatomies in Forest County, Wisconsin, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Forest County Potawatomi Community through the adoption of appropriate By-laws and constitutional amendments.

SEC. 4. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Council of such rescission.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolutions to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote at such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the resident qualified voters, members of the Community.

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BY-LAWS OF THE WISCONSIN POTAWATOMIES OF FOREST COUNTY

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary of the Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Council.

SEC. 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts, and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the Executive Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

SEC. 5. The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report to the Council from time to time as required, and their activities and decisions shall be subject to the review of the Council upon the petition of any person aggrieved.

ARTICLE II — EXECUTIVE COUNCIL MEETINGS

The Executive Council shall meet regularly on the first Monday of January, April, July, and November, and at such other time as the Council may by resolution provide.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the adult Indians of the Wisconsin Potawatomies, residing on the land reserved for Wisconsin Potawatomies in Forest County, Wisconsin, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 8, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the Wisconsin Potawatomies residing on lands reserved by the United States for the Wisconsin Potawatomies in Forest County, Wisconsin, and were on November 14, 1936, duly adopted by a vote of 44 for, and 5 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

HENRY RITCHIE,
Chairman of Election Board.

ISAAC GEORGE,
Secretary of the Election Board.

J. C. CAVILL,
Superintendent in charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Forest County Potawatomi Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to the Forest County Potawatomi Community.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 10, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., February 6, 1937.

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CORPORATE CHARTER OF THE STOCKBRIDGE MUNSEE COMMUNITY OF WISCONSIN

Ratified May 21, 1938

Whereas, the Stockbridge Munsee Community of Wisconsin constitutes a recognized Indian tribe organized under a constitution and by-laws ratified by the Community on October 30, 1937, and approved by the Secretary of the Interior on November 18, 1937, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Community have petitioned that a charter of incorporation be granted to such Community, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Stockbridge Munsee Community to become effective upon ratification by a majority vote of the adult Indians living on the reservation voting in an election in which at least 30 per cent of the eligible voters cast their ballots.

1. Corporate Existence. In order to further the economic development of the Stockbridge Munsee Community by conferring upon the said Community certain corporate rights, powers, privileges, and immunities; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "Stockbridge Munsee Community."

2. Perpetual Succession. The Stockbridge Munsee Community shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Stockbridge Munsee Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Community Council of the Stockbridge Munsee Community established in accordance with the said constitution and by-laws of the Community, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Community Constitution and By-laws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land, or interests in land, including water and mineral rights, now or hereafter held by the Community within the boundaries of the Stockbridge Munsee Reservation.

(2) No mortgage may be made by the Community of any standing timber on any land now or hereafter held by the Community within the boundaries of the Stockbridge Munsee Reservation.

(3) Leases or permits (which terms shall not include land assignments to members of the Community) may be made to members of the Community, on any land now or hereafter owned by the tribe, for a term of one year without the approval of the Secretary of the Interior; timber-sale contracts and leases except one-year leases to members, may be made for terms not to exceed ten years with the approval of the Secretary of the Interior or his duly authorized representative: Provided, That any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Community which shall in any way operate to destroy or injure the natural resources of the Stockbridge Munsee Reservation. All leases, permits, and timber sale contracts relating to the use of Community grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(5) No distribution of corporate property to members shall be made except out of net income.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other source, and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: Provided, That the amount of indebtedness to which the the Community may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $5,000 except with the express approval of the Secretary of the Interior.

(d) To engage in any business or undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter: Provided, That any contract involving payment of money by the corporation in excess of $5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future Community income: Provided, That no contract involving a pledge of chattels or an assignment of income, other than with the United States, shall extend more than five years from the date of execution nor involve payment of money in excess of one-half the net Community income from any one source in any one year: And provided further, That any such contract shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Community.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power shall not be deemed a consent by the said Community or by the United States to the levy of any judgment, lien, or attachment upon the property of the Community other than chattels or income specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. At any time after five years from the effective date of this Charter the Community Council may request the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b),3, 5 (c), 5 (e), 5 (f), 5 (g), and section 9 of this Charter. The Secretary of the Interior, if he shall approve the request, shall submit the question of termination to the Community for referendum. Such termination shall become effective upon ratification by a majority vote of the adult members of the Community in an election in which at least 30 per cent of the eligible voters vote. If the Secretary of the Interior shall disapprove the request for termination or fail to approve or disapprove it within 90 days after its receipt, the question may then be submitted by the Secretary, or by the Community Council to the Community for referendum and if the termination is approved by two-thirds of the eligible voters living within the reservation, it shall be effective.

7. Corporate Property. No property rights of the Stockbridge Munsee Community, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Reserve Fund. Twenty-five per cent of net income from corporate enterprises shall be placed in a general reserve fund, annually, until said reserve fund equals not less than 25 per cent of the capital investment in such corporate enterprises. Thereafter, the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used for repairs, replacements, improvements and development of corporate enterprises.

9. Corporate Dividends. The Community may issue to each of its members a non-

transferable certificate of membership evidencing the equal share of each member in the corporate assets of the Community and may distribute per capita, among the recognized members of the Community, all profits of corporate enterprise over and above sums necessary to defray corporate obligations, and over and above sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of Community government, the needs of charity, or other corporate purposes. No such distribution of profits in any one year amounting to more than one-half of the accrued surplus shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Community shall be made except as provided herein or as authorized by Congress.

10. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs. The books of the Treasurer shall be open to inspection by members of the Community or duly authorized representatives of the Government.

11. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

12. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Stockbridge Munsee Community living on the Stockbridge Munsee Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tomah Agency and the President of the Community Council of the Stockbridge Munsee Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Stockbridge Munsee Community.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Washington, D.C., April 6, 1938.

[SEAL]

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CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984) this Charter, issued on April 6, 1938 by the Assistant Secretary of the Interior to the Stockbridge Munsee Community of Wisconsin, was duly submitted for ratification to the adult members living within the Reservation and was on May 21, 1938 duly ratified by a vote of 94 for and none against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

HARRY A. CHICKS,
President, Community Council.

PERU FARVER,
Superintendent, Tomah Agency

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CONSTITUTION AND BY-LAWS OF THE STOCKBRIDGE MUNSEE COMMUNITY, WISCONSIN

Approved November 18, 1937

PREAMBLE

We, the people of the Stockbridge and Munsee Band of Mohican Indians, grateful to the Great Spirit for his fostering care, in order to reestablish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do ordain and establish this Constitution and Bylaws.

Article I - Name

The name of this Community shall be "The Stockbridge Munsee Community."

ARTICLE II — TERRITORY

The jurisdiction of the Stockbridge Munsee Community shall extend to all lands purchased, heretofore or hereafter, by the United States for the benefit of said Community.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Stockbridge Munsee Community shall be composed of all persons whose names appear on the Stockbridge Allotment Roll of 1910 and who are residing within the original confines of the Stockbridge Reservation, in Shawano County, State of Wisconsin, on the date of the adoption of this Constitution and Bylaws.

SEC. 2. Descendants of members of the Community, as provided for in Section 1 of this Article, shall be members provided such descendants are of one-fourth or more Stockbridge Munsee Indian blood and are residing within the original confines of the Stockbridge Reservation on the date of the adoption of this Constitution and By-laws.

SEC. 3. All children of one-fourth or more Indian blood born to members of the Community shall be members; Provided, That the parents are residents of the Community on the date of the birth of said child.

SEC. 4. The Tribal Council shall have authority to promulgate ordinances, subject to the approval of the Secretary of the Interior, governing the adoption of new members and loss of membership in the Community.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Stockbridge Munsee Community shall be a Tribal Council, composed of a President, a Vice-President, a Treasurer and four councilmen, to be elected by popular referendum.

SEC. 2. The officers and councilmen shall be elected as follows: the President and Treasurer shall be elected for a term of two years, the Vice-President and four councilmen shall be elected for a term of one year.

SEC. 3. The Tribal Council shall have authority to appoint a Secretary and such boards and committees as may be deemed necessary.

SEC. 4. Any member of the Stockbridge Munsee Community is eligible to be elected to the Tribal Council; Provided, That he is 25 years of age or over and has maintained a continuous residence in the Community for at least one year immediately preceding his election.

SEC. 5. Any member of the Community who is 21 years of age or over shall be entitled to vote in any election at which he presents himself at the polls on election day during the official voting hours.

SEC. 6. The present Business Committee shall call, hold, and supervise the first Tribal Council election within 60 days after the adoption and approval of this Constitution and By-laws under such rules and regulations as the committee may provide. The Tribal Council shall provide by ordinance, rules and regulations governing the date and manner of holding future elections.

ARTICLE V — REMOVAL

SECTION 1. The Tribal Council may, by an affirmative vote of five, expel any member of the Council for neglect of duty or gross misconduct; Provided, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Tribal Council shall be final.

SEC. 2. The Tribal Council shall fill vacancies in the Council caused by death, removal, resignations, or otherwise, such appointment to be in force and effect until the next annual election.

ARTICLE VI — REFERENDUM

Upon a petition of at least 30 per cent of the eligible voters of the Community, any enacted or proposed ordinance, resolution or other regulative act of the Tribal Council shall be submitted to a referendum of the qualified voters of the Community.

ARTICLE VII — POWERS

SECTION 1. Enumerated Powers.—The Tribal Council of the Stockbridge Munsee Community shall exercise the following powers, subject to any limitations imposed by the Constitution and laws of the United States and this Constitution and By-laws:

(a) To negotiate with the Federal, State, and local governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease,or encumbrance of Community lands, interests in lands, or other Community assets.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To manage all economic affairs and enterprises of the Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior;

(f) To promulgate and enforce ordinances, subject to the approval of the Secretary of the Interior, governing the conduct of members of the Community; providing for the manner of making, holding, and revoking assignments of land or interests therein; providing for the levying of assessments on members of the Community and the appropriation of available Community funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community of persons not so licensed; and establishing proper agencies for law enforcement in the Community; Provided That no assessments made on the members of the Community shall be effective until ratified by a majority vote in an election called for that purpose in which at least 30 per cent of the qualified voters shall vote.

(g) To charter subordinate organizations, subject to the approval of the Secretary of the Interior, for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power;

(h) To adopt resolutions not inconsistent with this Constitution and By-laws, regulating the procedure of the Tribal Council itself and of other agencies, officials, and organizations of the Community.

SEC. 2. Future Powers.—The Tribal Council may exercise such further powers as may in the future be delegated to the Council by members of the Community, or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved Powers.—Any rights and powers heretofore vested in the Stockbridge and Munsee Band of Mohican Indians, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the Community through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Any resolution or ordinance which by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such rescission.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community at an election called for that purpose by the Secretary of the Interior; Provided, That at least 30 per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a petition submitted by the Tribal Council signed by not less than one-third of the qualified voters of the Stockbridge Munsee Community.

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BY-LAWS OF THE STOCKBRIDGE MUNSEE COMMUNITY, WISCONSIN

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Duties of the President.—It shall be the duty of the President to preside over all meetings of the Council and to carry out the orders of the Tribal Council. It shall be the duty of the President to countersign all checks drawn against the funds of the Community by the Treasurer.

SEC. 2. Duties of the Vice-President.—The Vice-President shall assist the President when called upon to do so and in the absence of the President, he shall preside. When so presiding he shall have all the rights, privileges and duties as well as the responsibilities of the President.

SEC. 3. The Secretary shall conduct all correspondence for the Council and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Council and to perform such other duties as the Council may direct.

SEC. 4. The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be Community funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all rceipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the Tribal Council, and at such other times as requested.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Tribal Council.

The Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs.

SEC. 5. The duties of all appointive boards or officers shall be clearly defined by resolution at the time of their creation or appointment and such boards and officers shall report to the Tribal Council from time to time as required.

ARTICLE II — MEETINGS

The Tribal Council shall meet semi-annually with members of the Community on the first Saturday of May and November, and at such other times as the Tribal Council may provide by resolution. The Tribal Council is further authorized to hold such other meetings as may be provided by resolution, at which members of the Community may be auditors. The Tribal Council may hold executive sessions but no final decisions on matters before the Council shall be made except at open regular or special meetings.

ARTICLE III — OATH OF OFFICE

Each member of the Tribal Council and each officer, or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

ARTICLE IV — RATIFICATION

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Stockbridge and Munsee Band of Mohican Indians, voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 4, 1937, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the qualified voters of the Stockbridge and Munsee Band of Mohican Indians of Wisconsin, and was on October 30, 1937, duly ratified by a vote of 119 for, and 13 against in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

CARL MILLER,
Chairman of Election Board.

FRED L. ROBINSON,
Secretary of Election Board.

PERU FARVER,
Superintendent.

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I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Stockbridge and Munsee Band of Mohican Indians of the Stockbridge Reservation in Wisconsin.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended November 13, 1937.

F. H. DAIKER,
Assistant to the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C., November 18, 1937.

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CONSTITUTION AND BYLAWS OF THE WISCONSIN WINNEBAGO TRIBE

Ratified by the Tribe on January 19, 1963

Approved by the Commissioner of Indian Affairs on February 11, 1963

Approved by the Assistant Secretary of the Interior on March 19, 1963

The Constitution and Bylaws approved and adopted pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended.

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Since the Secretary of the Interior, in a formal legal opinion, has approved the organization of the Wisconsin Winnebago Indian Tribe under the provisions of the Indian Reorganization Act; and since the Indian Claims Commission has also recognized the Tribe as an identifiable group for the purpose of settling the Tribe's claims against the United States; we, members of the Wisconsin Winnebago Indian Tribe in order to form a more perfect organization, secure our rights, promote the general welfare, safeguard our interests, perpetuate our traditions and tribal existence, and secure the blessings of democracy to ourselves and our posterity, do ordain and establish this Constitution and Bylaws for the Wisconsin Winnebago Tribe.

Article I - TERRITORY

The jurisdiction of the Wisconsin Winnebago Tribe shall embrace lands held by the United States for the occupancy and use of the Winnebago Indians residing in Wisconsin, and any additional lands acquired by the Federal Government for the Tribe, or by the Tribe.

Article II - MEMBERSHIP

Section 1. The following persons shall be entitled to membership in the Wisconsin Winnebago Tribe, provided such persons are of one-fourth ($\frac{1}{4}$) or more degree of Wisconsin Winnebago Indian blood, and are not enrolled or have not received land or money as members of any other tribe or band.

(a) All persons of Wisconsin Winnebago Indian blood whose names appear on the official census roll prepared pursuant to the Act of January 18, 1881 (21 Stat. 315), and who are living on the date of approval of this constitution and bylaws by the Secretary of the Interior.

(b) All descendants of one-fourth ($\frac{1}{4}$) or more degree of Wisconsin Winnebago Indian blood of persons whose names appear on the official census roll specified in (a) of this section regardless of whether such enrollees are living or deceased.

Section 2. Any person of one-fourth ($\frac{1}{4}$) or more degree of Wisconsin Winnebago Indian blood who does not meet the requirements of Section 1 of this Article may be adopted by a two-thirds vote of the General Council duly called, provided at least 20 per cent of the eligible voters of the tribe are present and vote, and provided further, such individual is not enrolled or has not received land or money as a member of any other tribe.

Section 3. The Business Committee shall have the power to enact ordinances consistent with this article to govern future membership, including loss of membership, provided that no person shall be removed from tribal membership unless it is found he does not meet the requirements set forth in this article and unless such removal is approved by two-thirds vote of the General Council and by the Secretary of the Interior.

Section 4. Within 180 days after notice is received that the Secretary of the Interior has approved this constitution and bylaws the Business Committee shall furnish an application to each person who claims to be or who is believed to be a member of the Wisconsin Winnebago Tribe. Members of families or friends may suggest the name of any individual believed to be eligible for membership. The Business Committee shall review all applications for enrollment, verify the information reflected therein, and certify for enrollment the names of the individuals determined to meet the membership requirements and who were living on the date of approval of this constitution by the Secretary of the Interior. A roll of all persons so certified shall be prepared and the completed roll shall be submitted to the General Council for approval and when approved by the General Council the roll shall be submitted to the Secretary of the Interior for final approval. Subsequent applications for membership shall be acted upon by the Business Committee at either of the first two regular meetings following receipt of the application.

Section 5. Any person who has been rejected for enrollment as a member of the tribe, either by the Business Committee or the Tribal Council, except those rejected under Section 2 of this Article, shall have the right to appeal from that decision to the Secretary of the Interior within six months from the date of written notice of rejection and the decision of the Secretary on such appeal shall be final.

Section 6. The Business Committee shall have the authority to prescribe rules of procedure in addition to those specified in this Article to be followed in compiling and keeping current the membership roll.

Article III - RIGHTS OF MEMBERS

All members of the Wisconsin Winnebago Indian Tribe shall be accorded by the governing body equal rights, equal protection, and equal opportunities to participate in the economic resources and activities of the tribe, and no member shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

Article IV - ORGANIZATION OF THE GOVERNING BODY

Section 1. The governing body of the Wisconsin Winnebago Tribe of Indians shall be a Business Committee consisting of not less than nine (9) nor more than twelve(12) members elected by secret ballot as provided in Article V.

Section 2. The Business Committee shall select from within the Committee a vice-chairman, and may select from within or without the Committee a secretary and a treasurer. When selected from without the Committee the secretary and treasurer shall have no vote in the proceedings of the Committee.

Section 3. The members of the Business Committee shall be qualified voters of the Wisconsin Winnebago Tribe, 25 years of age and over, and of ½ degree Wisconsin Winnebago Indian blood. The members of the Business Committee shall take office the first Monday of the month following the month of their election.

Section 4. There shall be an Executive Committee consisting of the chairman of the Business Committee who shall be the chairman of the Executive Committee, the vice-chairman, and two (2) members of the Business Committee selected by the Business Committee. The Executive Committee shall exercise such powers as may be delegated by the Business Committee by formal resolutions.

Article V - NOMINATIONS AND ELECTIONS

Section 1. (a) The first election of the Business Committee hereunder shall be called and held within sixty (60) days following the adoption and approval of the Constitution and Bylaws under the arrangements and supervision of the provisional Business Committee and the Superintendent.

(b) For the purposes of the first election of the Business Committee representatives, any person 21 years of age and over as of September 30, 1962, whose name appears on the official census roll of June 1943 of the Wisconsin Winnebago Tribe of Indians or any descendent of such person of ¼ or more degree of Wisconsin Winnebago Indian blood shall be eligible to vote as a member of the tribe. The roll of the electorate for the first election shall be drawn up by the provisional Business Committee established by the Winnebago Tribe of Indians of Wisconsin in a general council meeting held on October 21, 1961.

Section 2. In any election of the Wisconsin Winnebago Tribe after the election to adopt the Constitution and Bylaws and to elect the first Business Committee, eligible voters shall be enrolled members of the tribe 21 years of age and over.

Section 3. For the purposes of the first election the Black River Falls Area, consisting of Clark, Eau Claire, and Jackson counties, shall elect three members to the Business Committee; the Wisconsin Dells Area, consisting of Wood, Juneau, Adams, Columbia, and Sauk counties, shall elect three members to the Business Committee; the La Crosse-Tomah Area, consisting of La Crosse, Monroe, and Vernon counties, shall elect one member to the Business Committee; the Wittenberg Area, consisting of Marathon and Shawano counties, shall elect one member to the Business Committee; and three members will be elected at large from outside of the above areas to the Business Committee; thereafter, 2/3 of the membership shall be elected from these areas and 1/3 shall be elected at large. The area elected members shall represent their respective areas.

Section 4. At three year intervals beginning in 1965, the Business Committee shall study the population distribution of the tribal membership and as necessary make provision for redistricting so as to insure equitable representation on the Business Committee. Changes in election districts shall be completed at least six months in advance of the following election, and appropriate notice of such changes shall be provided the tribal membership within 30 days after approval by the Secretary of the Interior.

Section 5. For the purpose of the first election the two members elected to the Business Committee receiving the least number of votes from the Black River Falls Area, the two members elected receiving the least number of votes from the Wisconsin Dells Area, the two At-Large representatives receiving the least number of votes shall be elected for a two year term. All other members elected to the Business Committee shall be elected for a four year term. Thereafter the term of office for all members shall be four (4) years.

Section 6. The Chairman of the Business Committee shall be elected at large and shall serve for a four (4) year term.

Section 7. Any qualified member of the Wisconsin Winnebago Tribe of Indians may become a candidate for office on the Business Committee by filing notice of his candidacy with the Secretary of the Business Committee, or with the Secretary of the provisional committee for the purposes of the first election. The notice must be supported by the signatures of at least ten eligible voters of the candidate's area. Candidates for the office of Chairman of the Business Committee must file such notice supported by the signatures of ten eligible voters from any of the areas. All candidates notices must be filed no sooner than 120 days nor later than 30 days prior to the election date. The secretary shall publicize by bulletin the names of the candidates for committeemen and chairman to the designated areas at least ten days before the election.

Section 8. Absentee ballots shall be furnished to eligible members upon their request to the Business Committee secretary.

Article VI - REMOVAL FROM OFFICE

Section 1. (a) The Business Committee by a two-thirds (2/3) vote may remove any member of the Committee from office for malfeasance, for dereliction or neglect of duty, for unexcused failure to attend three regular meetings in succession, for conviction of a felony in any county, state or federal court while in office or for any willful and persistent misconduct reflecting on the dignity and integrity of the Business Committee or tribe or failure to comply with any provisions of the Constitution and Bylaws. Notice in writing stating the charges shall be served upon the accused by the Business Committee and he shall have 30 days to answer said charges in person or in writing.

(b) Any member of the tribe may prefer charges by written notice stating any of the reasons for removal in Section 1 (a) of this article against any member or members of the Business Committee supported by the signatures of at least 20 per cent of the eligible voters of the Wisconsin Winnebago Tribe of Indians. The notice must be submitted to the Business Committee. The Business Committee shall consider such written notice and take the following action: The accused shall be given thirty (30) days from the delivery of notice stating the charges within which to answer the notice and to request a hearing before the Business Committee or before a special meeting of the Tribe in general council called for the purpose of the hearing. The hearing will be held before the Business Committee or the general council within (30) days from date of receipt of request for a hearing. The decision of the Business Committee or the General Council whichever is hearing the case shall be final. When the Business Committee does not act as a general council shall be called for final decision.

Section 2. When a special meeting of the general council is not initiated by the Business Committee, the call shall be by written notice (petition) which states the charges against any member of the Business Committee supported by the signatures of no less than 20 per cent of the eligible voters of the Wisconsin Winnebago Tribe of Indians. The call shall specify the time and place of the hearing, and it shall be mandatory on the Business Committee to issue the call at the time and place specified in the petition.

Section 3. In the event the Business Committee fails to call a special general council meeting as required by Section 2 of this article, the membership may by petition supported by the signatures of no less than 20 percent of the eligible voters of the Wisconsin Winnebago Tribe of Indians request the Secretary of the Interior or his authorized representative to call a special general council meeting for the purpose of a hearing. The Superintendent shall certify that the persons signing the petition are qualified voters of the tribe.

Article VII - VACANCIES

Section 1. If any vacancies occur in the membership of the Business Committee through resignation, recall, impeachment or death, the area from which the member is elected shall proceed to elect a new member to complete the unexpired term. If the area fails to act within 90 days the Business Committee shall appoint a successor.

Section 2. If the chairmanship of the Business Committee becomes vacant for any reason, that office shall be filled in the following manner:

(1) When the unexpired term is less than twelve (12) months the vice-chairman shall assume the office in an acting capacity for the remainder of the term.

(2) When the unexpired term is twelve (12) months or more, it shall be the duty of the Business Committee to call an election for the purpose of filling the vacancy. The member elected shall serve only for the unexpired term.

Article VIII - MANNER OF REVIEW

Section 1. Any resolution or ordinance which by the terms of this Constitution and Bylaws is subject to review by the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent of the reservation who shall within ten (10) days after its receipt by him approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from date of approval, rescind the ordinance or resolution for any cause, by notifying the Business Committee.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its receipt by him he shall advise the Business Committee of his reasons therefor in writing. If these reasons appear to the Business Committee insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its referral, approve or reject the same in writing, whereupon the said ordinance or resolution shall be in effect or rejected accordingly.

Article IX - AMENDMENTS

Whenever the Business Committee, by a two-thirds (2/3) vote, or the tribal membership by petition by twenty (20) per cent of the adult members of the tribe, calls for the submission of an amendment, the Secretary of the Interior shall call an election upon the proposed amendment to the Constitution and Bylaws. If at such an election the amendment is adopted by a majority vote of the adult members of the tribe voting therein, provided at least thirty (30) percent of those entitled to vote shall vote, such amendment shall be submitted to the Secretary of the Interior, and, if approved by him, shall thereupon take effect.

Article X - POWERS OF THE BUSINESS COMMITTEE

Section 1. The Business Committee of the Wisconsin Winnebago Tribe shall have the following powers, subject to any limitation imposed by the Constitution or the Statutes of the United States, and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

(a) To consult, negotiate, contract, and conclude agreements on behalf of the tribe with Federal, State, or local governments and other corporations, associations, partnerships, and other organizations or individuals on all matters within the powers of the tribal business committee expressed herein.

(b) To employ legal counsel for the protection and advancement of the rights of the tribe and its members, and other professional people or technical specialists as necessary the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To purchase and acquire lands for tribal purposes, provided, that where restricted funds are used or title is to be taken in the United States in trust for the Tribe such acquisition shall be subject to the approval of the Secretary of the Interior.

(d) As authorized by law, to manage, lease, permit, sell, or otherwise deal with tribal lands, interests in lands or other tribal assets.

(e) To receive and make recommendations on Bureau of Indian Affairs appropriation estimates for the tribe.

(f) To administer any funds within the control of the tribe; to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials, employees or members. Such salaries or renumeration shall be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures by the Business Committee shall be in accord with a previously approved budget, and the amount so paid shall be a matter of public record at all times.

(g) To manage any and all economic affairs and enterprises of the Wisconsin Winnebago Tribe and to engage in any business not contrary to state or federal law applicable to Indian tribes that will further the economic development of the tribe or its members and to use tribal funds or other resources for such purposes. To make recommendations to Congress on matters of interest or benefit to the tribe. To encourage Winnebago Indian arts, crafts and culture, and perpetuate traditions.

(h) To levy taxes and license fees upon members of the Wisconsin Winnebago Tribe and to levy taxes and license fees, subject to the approval of the Secretary of the Interior, upon non-members doing business on tribal lands.

(i) To prevent the sale, disposition, lease or encumbrance of tribal lands,or other tribal assets without the consent of the tribe.

(j) To determine tribal membership pursuant to Article II of this Constitution and Bylaws.

(k) To appoint subordinate committees, officials, and employees not otherwise provided for in this Constitution and Bylaws.

(l) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Wisconsin Winnebago Tribe.

(m) To enact ordinances governing elections and redistricting.

(n) To define policies, formulate plans, set objectives, and promote ways and means to carry them out.

(o) To maintain the tribal headquarters at Black River Falls, Wisconsin, and to shift it only on approval of a tribal referendum.

(p) To charter subordinate organizations for economic purposes and to regulate the activities of such organizations by ordinance or resolution.

(q) To purchase under condemnation proceedings allotted Indian land needed for public or tribal purposes when authorized by Federal or State law.

Section 2. To delegate by ordinance or resolution to tribal officials, district councils, or associations any of the foregoing powers of the Business Committee reserving the right to review any action taken by virtue of such delegated power.

Article XI - REFERENDUM

Upon a petition signed by twenty (20) per cent of the eligible voters of the tribe submitted to the Business Committee, or by an affirmative vote of two-thirds (2/3) of the Wisconsin Winnebago Business Committee, any enacted or proposed resolution or ordinance of the Business Committee shall be submitted to a referendum of the eligible voters of the Wisconsin Winnebago Tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Business Committee, provided that at least twenty (20) per cent of the members entitled to vote actually vote. The Business Committee shall call such referendum and prescribe the manner of conducting the vote.

Article XII - ADOPTION

This Constitution and Bylaws, when ratified by a majority vote of the adult members of the Wisconsin Winnebago Tribe voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

BYLAWS

Article I - DUTIES OF OFFICERS

Section 1. The Chairman of the Business Committee shall preside over all meetings of the Business Committee and exercise any authority specifically delegated to him as provided in Article X, Section 2, of this Constitution. As Chairman of the Business Committee and the Executive Committee he shall at all times have general supervision of the affairs of the Business Committee, Executive Committee and the Tribe. He shall call all meetings of the General Council required by this Constitution and Bylaws. He shall preside at all General Council meetings. In the event the Treasurer is incapacitated the Chairman shall pay out money when authorized by resolution of the Business Committee. He shall vote only in case of a tie.

Section 2. The Vice-Chairman of the Business Committee shall assist the Chairman when called upon to do so and in the absences of the Chairman shall preside. When so presiding he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

Section 3. The Secretary shall keep an accurate record of all minutes, resolutions, and ordinances enacted by the Business Committee and General Council meetings and shall take other actions in accordance with established procedures. In addition, the Secretary shall be responsible for all files, records, and correspondence of the Business Committee, the General Council and the Executive Committee. The Secretary shall transmit copies of the minutes of the General Council and Business Committee meetings to the Commissioner of Indian Affairs or his authorized representative. The Secretary shall be responsible for the preparation of all notices required by this Constitution and Bylaws.

Section 4. (a) The Treasurer of the Business Committee shall accept, receive, receipt for, safeguard and deposit all funds of the Committee and General Council in a national bank or state chartered bank, provided such banks carry deposit insurance with the Federal Deposit Insurance Corporation. The Treasurer shall keep an accurate record of receipts, deposits, and expenditures open to committee inspection and audit at the direction of the Committee.

(b) He shall pay out money in accordance with the budget previously approved by the Business Committee.

(c) He shall make written reports of receipts, deposits, and expenditures to the Business Committee at each regular and special meeting.

(d) He shall be bonded at tribal expense in such an amount as the Business Committee, by resolution, shall provide. The bond shall be satisfactory to the Business Committee and the Secretary of the Interior or his authorized representative.

(e) The books and records of the treasurer shall be audited at least once ever year, or more frequently as otherwise directed by the Business Committee, by a certified public accountant, or by a reputable or licensed accountant. The audit report report shall be made available to the Business Committee. Copies of the audit reports shall be filed with the Bureau of Indian Affairs. If such audits are not made or copies furnished as provided herein, the audits may be made by the Commissioner of Indian Affairs.

Section 5. It shall be the duty of the Business Committee and each member thereof to promote the general welfare of the Wisconsin Winnebago Tribe and to carry out the provisions and purposes of this Constitution and Bylaws.

Article II - OATH

All duly elected members of the Business Committee who have been certified shall be installed as provided in Article IV, Section 3. Upon subscribing to the following oath to be administered by an officer authorized to administer oaths:

> I, ________________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will

cooperate, promote, and protect the best interests of the tribe, in accordance with the Constitution and Bylaws of the Wisconsin Winnebago Tribe.

Article III - MEETINGS

Section 1. An annual General Council meeting of the Wisconsin Winnebago Tribe shall be held during the month of September at the time and place designated by the Wisconsin Winnebago Business Committee. Ten (10) per cent of the eligible voters of the Wisconsin Winnebago Tribe shall constitute a quorum for General Council meetings and no official action shall be transacted in the absence of a quorum at any time.

Section 2. Regular quarterly meetings of the Business Committee shall be held on the second Saturday of January, April, July, and October. Fifty-one (51) per cent of the members shall constitute a quorum of the Business Committee and no official action shall be transacted in the absence of a quorum at any time.

Section 3. Special meetings of the General Council and the Business Committee may be called by request of the chairman, or a majority of the members of the Business Committee, or upon petition by twenty (20) per cent of the eligible voters of the tribe, and the Committee or the Council shall have the power to transact business as in regular meetings when a quorum is present. Public notices shall be made not more than 30 days nor less than 10 days prior to the date of the meeting.

Section 4. (a) All sessions of the Business Committee (except executive sessions) shall be open to all members of the tribe. Ballotting at all sessions shall be either by acclamation or by secret written ballot, as the presiding officer shall direct.

(b) The Business Committee may, upon motion duly passed, go into executive session. At such sessions all persons shall be excluded from the meeting chamber, and any person whose presence shall be required before the Committee shall be designated by the Chairman, and no other persons shall be allowed to be present other than the members of the Committee and its officers.

Section 5. The order of business in any regular or special meeting of the Business Committee shall be as follows:

(a) Call to order by the Chairman
(b) Roll Call
(c) Prayer
(d) Reading of minutes of last meeting
(e) Reports
(f) Unfinished Business
(g) New Business
(h) Adjournment

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CERTIFICATION OF ADOPTION

Pursuant to an order approved December 3, 1962, by the Assistant Secretary of the Interior, John A. Carver, Jr., the attached Constitution and Bylaws of the Wisconsin Winnebago Tribe, Wisconsin, was submitted for adoption to the qualified voters of the Wisconsin Winnebago Tribe and was on January 19, 1963, duly adopted by a

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vote of 514 for, and 5 against in an election in which at least thirty (30) per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

/s/ Mitchell Whiterabbit
Chairman, Provisional Business Committee
of the Wisconsin Winnebago Tribe

/s/ Helen Miner Miller
Secretary, Provisional Business Committee
of the Wisconsin Winnebago Tribe

/s/ E. J. Riley - January 21, 1963
Superintendent, Great Lakes Agency

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I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Wisconsin Winnebago Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the Wisconsin Winnebago Tribe of Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended: February 11, 1963

/s/ Philleo Nash
Commissioner of Indian Affairs

/s/ John A. Carver, Jr.
Assistant Secretary of the Interior

SEAL

March 19, 1963

Washington, D. C.

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